

**PB# 85-43-A**

**Windsor Park  
(Windshire Village)**

**26-1-13**

85-43-A Windsor Park  
(Windshire Village)





# General Receipt

**TOWN OF NEW WINDSOR**  
555 Union Avenue  
New Windsor, N. Y. 12550

6726

July 17,

19 85

Received of Donald F. Fullam

\$ 25.00

Twenty-Five and 00/100

DOLLARS

For

85-43 Lte Plan Application Fee

DISTRIBUTION

FUND	CODE	AMOUNT
<u>CPA 109</u>		<u>25.00</u>

By

Pauline J. Tronzo

Town Clerk

Title

Date ....., 19.....

# TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12550

TO ...McGoey and Hauser Consulting Engineers, P.C. DR.

45 Quassaick Avenue, New Windsor, NY 12550

DATE			CLAIMED		ALLOWED	
		PROFESSIONAL SERVICES				
		Planning Board				
		Windshire (85-43)				
		Plan and Field Review				
		6,8,9 December 1986; 23 January,				
		23,27 February; 5,6 March 1987; 8.0 hours			320	00
		AMOUNT DUE:			320	00

copy

TOWN OF NEW WINDSOR  
PLANNING BOARD FEES  
JANUARY 1, 1987

Checks payable to:  
TOWN OF NEW WINDSOR

Date to:  
TOWN CLERK

\$ 25.00 APPLICATION FEE

\$ 25.00

7-17-85

SITE PLAN

\$100.00 (\*) SITE PLAN FEE  
OR AMENDED SITE PLAN

\$ 100.00

4-27-87

Varies ENGINEERING FEE

\$ 320.00

4-27-87

\* All uses (except multi-family dwellings, including apartment houses and condominiums). Apartment houses and condominiums: \$100.00 plus \$10.00 for each unit.

SUBDIVISION

\$100.00 PRE-PRELIMINARY

\_\_\_\_\_

\_\_\_\_\_

\$100.00 PRELIMINARY

\_\_\_\_\_

\_\_\_\_\_

\$100.00 FINAL PLAT (MINOR SUB.)

\_\_\_\_\_

\_\_\_\_\_

\$100.00 + \$5.00 per unit (FINAL  
PLAT MAJOR SUBDIVISION).

\_\_\_\_\_

\_\_\_\_\_

\$150.00 FINAL PLAT SEC. FEE

\_\_\_\_\_

\_\_\_\_\_

Varies ENGINEERING FEE

\_\_\_\_\_

\_\_\_\_\_

Separate check, payable to:  
TOWN OF NEW WINDSOR

Date to:  
COMPTROLLER

\$250.00 per unit (\*\*) RECREATION FEE

\_\_\_\_\_

\*\* The unit or lot which contains the premises in which the applicant resides shall be excluded from paying the recreation fee.

LOT LINE CHANGE

SPECIAL PERMIT

Planning Board  
Town of New Windsor  
555 Union Avenue  
New Windsor, New York 12550

(This is a two-sided form)

Date Received 1/17/85  
Meeting Date 8/14/85 Review  
Public Hearing \_\_\_\_\_  
Action Date 5/13/87  
Fees Paid 25.

APPLICATION FOR SITE PLAN APPROVAL

1. Name of Project WINDSOR PARK
2. Name of applicant WINDSOR PARK ASSOC. Phone 201-WI-7-4925  
Address 2375 HUDSON TERRACE, FORT LEE, N.J. 07024  
(Street No. & Name) (Post Office) (State) (Zip Code)
3. Owner of record B. BLUMENFELD & DAVID ROSEN Phone 561-2823  
Address KNOX VILLAGE, NEW WINDSOR, N.Y. 12550  
(Street No. & Name) (Post Office) (State) (Zip Code)
4. Name of person preparing plan D.F. FULLAM Phone 297-6512  
Address 8 LINCOLN DRIVE, Poughkeepsie, N.Y. 12601  
(Street No. & Name) (Post Office) (State) (Zip Code)
5. Attorney NONE Phone \_\_\_\_\_  
Address \_\_\_\_\_  
(Street No. & Name) (Post Office) (State) (Zip Code)
6. Location: On the WEST side of ROUTE 94  
(Street)  
300 feet SOUTH (direction)  
of ERIE AVENUE  
(Street)
7. Acreage of parcel 8± ACRES
8. Zoning district RA R-5
9. Tax map designation: Section 26 Block 1 Lot(s) 13
10. This application is for the use and construction of CONDOMINIUMS (39)
11. Has the Zoning Board of Appeals granted any variance or special permit concerning this property? NO If so, list case No. and Name \_\_\_\_\_
12. List all contiguous holdings in the same ownership N.A.  
Section \_\_\_\_\_ Block \_\_\_\_\_ Lot(s) \_\_\_\_\_

FOR OFFICE USE ONLY:

Schedule \_\_\_\_\_ Column \_\_\_\_\_ Number \_\_\_\_\_

Attached hereto is an affidavit of ownership indicating the dates the respective holdings of land were acquired, together with the liber and page of each conveyance into the present owner as recorded in the Orange County Clerk's Office. This affidavit shall indicate the legal owner of the property, the contract owner of the property and the date the contract of sale was executed.

IN THE EVENT OF CORPORATE OWNERSHIP: A list of all directors, officers and stockholders of each corporation owning more than five percent (5%) of any class of stock must be attached.

I HEREBY DEPOSE AND SAY THAT ALL THE ABOVE STATEMENTS AND INFORMATION, AND ALL STATEMENTS AND INFORMATION, CONTAINED IN THE SUPPORTING DOCUMENTS AND DRAWINGS ATTACHED HERETO ARE TRUE.

Sworn before me this

17<sup>th</sup> day of July, 1985

Ronald F. Luker  
Applicant's Signature

Shirley B. Hassenteufel  
Notary Public for New York  
No. 4764798

AGENT FOR WINDSOR PARK Assoc.  
Title

Qualified in Orange County  
Commission Expires March 30, 1986

OWNER'S ENDORSEMENT

(Completion required ONLY if applicable)

COUNTY OF ORANGE }  
STATE OF NEW YORK } SS.:

\_\_\_\_\_ being duly sworn, deposes and says that he resides  
\_\_\_\_\_ in the  
(Owner's Address)  
county of \_\_\_\_\_ and State of \_\_\_\_\_

and that he is (the owner in fee) of \_\_\_\_\_ of the \_\_\_\_\_  
(Official Title)  
Corporation which is the owner in fee) of the premises described in the foregoing application  
and that he has authorized \_\_\_\_\_ to make the fore-  
going application for special use approval as described herein.

Sworn before me this.

\_\_\_\_\_ day of \_\_\_\_\_, 1985

\_\_\_\_\_  
(Owner's Signature)

\_\_\_\_\_  
Notary Public

5-23-90

WINDSHIRE CONDOMINIUMS AMENDED SITE PLAN (90-26) ROUTE 94

Patrick Kennedy came before the Board representing this proposal.

MR. SCHIEFER: We have water approval, sanitary approval, we have fire disapproved May 4th. Fire hydrant located in the middle of lawn to be relocated. Just wanted you to be aware of it.

MR. KENNEDY: Last time we were in, we brought in a plan that was basically marked up in red showing what we wanted to do about shifting this road and moving these buildings so that we could go to the larger sized unit. And basically just reflects everything we did go over on that map at that time.

MR. VAN LEEUWEN: What we should see is an old map, this is the new map, the way you wanted to do it now.

MR. KENNEDY: Yes.

MR. VAN LEEUWEN: We should see the old map so we can compare the two.

MR. LANDER: Something about the distance inbetween the buildings.

MR. KENNEDY: Matter of fact, I don't have one with me.

MR. SCHIEFER: Let's see if I have an old one.

MR. KENNEDY: You may have the one that is marked up in red in the file. That was the one marked up in red.

MR. EDSALL: What date are you looking for?

MR. VAN LEEUWEN: About three years ago, that was approved.

MR. KENNEDY: But we had--

MR. EDSALL: This one?

MR. KENNEDY: Yes. When we came in last--

MR. VAN LEEUWEN: The one I want to see is the one that Fullam got approved.

MR. BABCOCK: I have one of Fullam's maps on my wall.

MR. EDSALL: Wasn't there an amendment between that and this one?

MR. KENNEDY: We have made several changes. We changed the

parking lot over in the front. We had come back and forth, we added the landscaping information in here and so on from several months ago from when we were in last and you had looked at this, the blue over here shows where the original layout was and what we had done is shift this road a slight bit so that we could get the proper spacing between the units and go to the larger size different style building.

MR. VAN LEEUWEN: How much did you shift the road back?

MR. KENNEDY: About 10 feet the way it looks from here. Probably close to 20 here. This point held here because we are right against the wetlands buffer zone now so that held there. This roadway here is already laid out that held just from this point here extended this over here about 20 feet more and made that turn.

MR. VAN LEEUWEN: That is the only change you made in the roads?

MR. KENNEDY: Yes, that is correct. We changed the roads and showed how the larger buildings would be situated there.

MR. VAN LEEUWEN: The last two new buildings that were built that would be--

MR. KENNEDY: That is part of these units here.

MR. VAN LEEUWEN: Is that the way the rest of them are going to look because they are pretty nice.

MR. KENNEDY: Predominately yes they are larger, they are a couple of feet longer, couple of feet longer.

MR. SOUKUP: How many additional bedrooms with the new buildings?

MR. KENNEDY: From 2 to 3 bedroom units.

MR. VAN LEEUWEN: That is one thing that we have to take into consideration. What we did before we gave you approval, I have no problem with that, I can't say we--I will say this. These two units look more better than the first six units.

MR. KENNEDY: That is what we had been playing around with.

MR. SCHIEFER: And those look better than they did initially.

MR. MC CARVILLE: What is the distance from unit 7E to the street?

MR. KENNEDY: I think we have got about 5 feet there, that is what was right on from the very first approval.

MR. EDSALL: Wasn't one of the problems that if the description and size in the original plan that building ended up being in the road at one point that was part of the past corrections.

MR. KENNEDY: Yes, alot of the map as it was originally approved could not be physically laid out in the field, didn't fit.

MR. SOUKUP: I don't think the table is right on the two bedroom counts. Table on the right hand side right underneath.

MR. KENNEDY: You are right, I probably didn't change that, you are absolutely right.

MR. LANDER: We didn't lose any parking spaces?

MR. KENNEDY: No, they are exactly the same.

MR. DUBALDI: You shifted them around?

MR. KENNEDY: We have lot 1 unit doing this but parking, the amount of parking has stayed the same. We have shifted things around, that is correct. Rather we took out this piece of parking lot that went behind here that actually took up alot of parking area and gave no back yards to these structures and was partly in the wetlands. We moved around to the other side.

MR. DUBALDI: You are still in the wetlands?

MR. KENNEDY: Yes but it is still alot better than what it was before. You don't have as much pavement.

MR. LANDER: 9A isn't in the way?

MR. KENNEDY: It is right near the buffer zone.

MR. VAN LEEUWEN: I make a motion that we determine lead agency, the Planning Board take lead agency status.

MR. LANDER: I will second it.

ROLL CALL:

Mr. McCarville	Aye
Mr. VanLeeuwen	Aye
Mr. Soukup	Aye
Mr. Dubaldi	Aye
Mr. Lander	Aye
Mr. Schiefer	Aye

MR. VAN LEEUWEN: I'd like to make a motion that we declare a

Lead Agency  
NEG. DEC.



NEG. DEC.

negative declaration.

MR. LANDER: I will second it.

MR. EDSALL: The question that I believe it was Vince that brought up as far as the number of 3 bedroom versus the number of 2 bedroom, which is right?

MR. KENNEDY: The plan on the table, the plan is correct.

MR. EDSALL: Is that an increase in the number of 3 bedroom?

MR. KENNEDY: Yes.

MR. EDSALL: You have to go on record acknowledging that you do not believe the increase in the number of bedroom count will have a negative effect relative to what you previously reviewed. Are there any other effects or any other changes that we may not be aware of?

MR. HEFT: On that isn't there a distance that you have to be from the wetlands.

MR. SCHIEFER: He is right smack on the edge, there is 100 foot buffer and he is on the edge of that.

MR. KENNEDY: Part of this parking lot here, a better portion of this road is in the buffer zone. The DEC is aware of that. At the time this was originally approved, it was dead ended here, not knowing exactly what Foxwood, not knowing what Foxwood was going to develop here.

MR. EDSALL: The condition of the approval on the original subdivision if Foxwood is not developed and does not develop the thru road Windshire will complete the access road.

MR. MC CARVILLE: I have a question. Where are the sidewalks?

MR. KENNEDY: Never were sidewalks.

MR. MC CARVILLE: We are increasing bedrooms, that puts more children, more kids have to walk to the bus. I want to know where the sidewalks are going to be? I am not to happy about that, about them being on the road now. You say that is the way it was, that doesn't mean that we weren't to damn comfortable with that. When we approved this thing, there were alot of loose ends and I think the number of amendments that have been made to this but I think there should be sidewalks in here. You are going to put more children, they have to walk out to 94. Where do people from 3C and 3D park? They park over here on the other side of these complexes and I guess the question of the units touching each other again it was on the original plans

that doesn't mean we have to come back in and amend it and give you the same thing. This is a, this plan here today is just like it was the last time, too much.

MR. VAN LEEUWEN: Pat, how many more bedrooms do we have now than we did before?

MR. BABCOCK: We only have eight 2 bedrooms, the rest are 3 bedrooms.

MR. SOUKUP: There are ten 2 bedrooms.

MR. BABCOCK: Yes, I am sorry, the other opposite two, yes, there is ten. Actually what is built are two bedrooms and all the new will be three bedrooms.

MR. SOUKUP: There are 102 bedrooms in the original plan and 119 in the new plan.

MR. SCHIEFER: Seventeen (17) additional bedrooms.

MR. VAN LEEUWEN: The way I see it we have a problem with 7E and we have got a little bit to many bedrooms.

MR. KENNEDY: We have been doing everything to conform to every wish you guys have put upon us and if you don't like it, fine, we will reduce it back down to the other style building. We can do that too---

MR. VAN LEEUWEN: We don't want you to reduce it to the other style building, Patrick.

MR. KENNEDY: Fine, I was not part of the original approval on this whatsoever. I understand you had problems with the other plan but you approved it anyhow problems or no problems, you guys approved it. He got building permits and got started. We wanted to make changes in order to make this thing a much better site. We have come in, we have had no problem, we have not argued any point of anything you have asked. But if you have more questions now this has been going on for well over a year now on revisions and everytime we come in we get hit with another.

MR. VAN LEEUWEN: We gave you every revision you asked for, come on now.

MR. KENNEDY: Fine. We have asked for alot of revision based on alot of requests that you guys asked us to do in order to change the site.

MR. VAN LEEUWEN: Some of them you wanted to make the changes, the parking lot, you guys wanted to change we didn't ask you to

change the parking lot.

MR. KENNEDY: That is correct. This parking lot here, the parking lot in the front you guys did ask us to change, you guys asked us to change the landscaping. You guys asked us to change the style of the buildings.

MR. MC CARVILLE: That wasn't done before this Board, I can tell you that.

MR. KENNEDY: The style of the building was not asked to be changed.

MR. VAN LEEUWEN: Let me go right back from the beginning originally it was supposed to be garages, supposed to be brick, you can't find a god damn brick on the place.

MR. KENNEDY: We came in one time the very first time I came in here--

MR. VAN LEEUWEN: When Fullam came in here, let's go back to Fullam, okay, we were promised brick and garages at that time then they took away the garages. We went along with that but didn't take away the brick. Then we came down and saw this long barracks sitting there. I went down personally, the building inspector, Mike and I sat down with Manny and sat down and made some changes. There is certain things that the Board wanted that Manny didn't want to do. We solved it where Manny didn't have to stick his neck out and the Board didn't have to stick its neck out to far and the Board gave Mike and I the go ahead and straighten this thing out and we did. We wanted alot of things on those buildings that we didn't ask for. Let's go back to that also. What the problem here is you are asking us to approve an amended site plan with 17 more units plus we got one 7E that is a little to close to the road, how can we resolve it? I am not looking to bark at you or jump down your throat. I don't want you to jump down mine either.

MR. KENNEDY: We have no problem if we have to reduce because you wanted bedroom count down, we will reduce it. We can reduce the size of the units that is why we came in with this before we finalize the map. This is what we showed you, this was fine last time we came in now it is not fine.

MR. VAN LEEUWEN: When was the last time you came in?

MR. KENNEDY: A month ago, marked up in red. Mark had recommended we come in and show you before we make the actual changes.

MR. VAN LEEUWEN: I have no problem. I wasn't here that night, okay.

MR. KENNEDY: We have been in here now--

MR. VAN LEEUWEN: I am taking the comments what I see and headlining the comments that is all.

MR. DUBALDI: Would you have any problem putting sidewalks in?

MR. KENNEDY: That I have to discuss with the client. I can draw anything anybody is asking for me to draw in.

MR. VAN LEEUWEN: Before we say to much, the roads are quite wide in there, they are 34 feet of pavement.

MR. MC CARVILLE: Thirty (30).

MR. VAN LEEUWEN: Okay 30 feet so there is room to walk if you put sidewalks what you are only going to do is cramp everything and make it look even more cramped than what it is. He has got a right to build a site the way he has got it. He is trying to improve it, what we should do is work with him to improve it.

MR. MC CARVILLE: We had sidewalks going through on the first plan and where they got away from us I don't know.

MR. KENNEDY: I think if I remember right just from my part being in the audience when he originally came in, they were proposing 24 foot wide roads, I would imagine sidewalks got lost and the road got wider.

MR. VAN LEEUWEN: We made him go 30 and that is the point we dropped the sidewalks, we realized one thing it was going to include the--

MR. MC CARVILLE: But we are increasing the bedrooms. When you came in with it marked up, when you said bigger I thought you meant more living space not bedrooms, it means additional people.

MR. SCHIEFER: Were you aware we are going to get 19 additional bedrooms?

MR. EDSALL: I wasn't. I don't know if that is what they intended. I can't say.

MR. SCHIEFER: It may be negligence on your part for not asking the question.

MR. EDSALL: I thought it was the footprint change rather than additional bedrooms.

MR. MC CARVILLE: That is what I thought but now we are talking

additional bedrooms, additional bedrooms, cars, additional kids walking out to Route 94, it puts a whole new--

MR. VAN LEEUWEN: Why don't we discuss out of the 17 bedrooms that he's got how many bedrooms do we want to reduce it by half?

MR. SCHIEFER: What I'd like to see but go back to the original number of bedrooms then there is no argument for the other changes now that is the ultimate, do we want to give him less or more than that?

MR. VAN LEEUWEN: I am willing to make some kind of an agreement somewhere inbetween that that is my personal opinion as one Board member.

MR. MC CARVILLE: Are there sidewalks in front of the buildings that are there by the road now or just walkways?

MR. KENNEDY: Walkways, there is no paralleling the roads.

MR. VAN LEEUWEN: Every house has well every house, every double house has got one sidewalk.

MR. MC CARVILLE: They have to walk to the front door, right?

MR. VAN LEEUWEN: Yes.

MR. BABCOCK: These are also private roads, the school bus will not go in these roads. The school bus stop will be on 94 on the intersection of 94 all the kids will have to load there.

MR. MC CARVILLE: That is what concerns me, they have to walk.

MR. VAN LEEUWEN: Only the people that live in there are going to come in and out of there.

MR. SOUKUP: I wasn't around when this was originally approved, let me ask the roads that ultimately go up to Foxwood and/or Erie Avenue, that is always going to remain private, that is not ever meant to be dedicated publicly in any way?

MR. VAN LEEUWEN: That is a possibility with Foxwood.

MR. EDSALL: Foxwood was not supposed to be a town road to my understanding.

MR. SOUKUP: It is not a possibility for a couple of reasons. The building setbacks don't meet the ordinances off of that road if it would be offered for dedication, you can't establish a 50 foot right-of-way and I assume that it is never meant to be dedicated.

MR. KENNEDY: If Foxwood was going to be dedicated, it would be another public road coming off another public road. From my knowledge, the original proposal didn't show that road, this is something that the fire department requested be put in.

MR. SOUKUP: I think it should be clear with the parking that is off of it and with the buildings so close to it that it cannot meet requirements for dedicated in anyway.

MR. KENNEDY: I don't think that's the intention as in any other condominium sites, it is not intended to go that way.

MR. SCHIEFER: Would you still be pushing for sidewalks if they go back to the original number of bedrooms which they approved with a 30 foot pavement?

MR. MC CARVILLE: I just think I was for sidewalks on the original plan but yes, I'd have to say I would be and I think it's probably, it's worth more to the applicant to have the bedrooms, I would assume than not have the bedrooms and put the sidewalks.

MR. SCHIEFER: You give them an alternative.

MR. MC CARVILLE: On the original plan they had a sidewalk that came through the middle of the complex.

MR. KENNEDY: Again, I don't have that plan. I did not represent the job so I will have to ask the client that.

MR. DUBALDI: Why did you recommend 30 feet you said that you recommended that the roads be 30 feet and not 24?

MR. VAN LEEUWEN: We wanted the roads to conform to town specs.

MR. EDSALL: They were 34 until the town changed the law.

MR. MC CARVILLE: Pat, 3C, 3D, 3E, 3F, those people, where are they going to park? Do you think they are going to park in the lot they are going to park right in front of the units on the street. If you live in 3D, you have to park way over on the other side of that complex. You are going to have to tote your groceries and stuff from over there, it almost looks like two of these units should be swapped and put some parking.

MR. VAN LEEUWEN: What about putting a couple parking spaces right in here?

MR. KENNEDY: In here?

MR. VAN LEEUWEN: Yes.

MR. KENNEDY: I don't see any problem with that.

MR. VAN LEEUWEN: To help out 3C and D especially and E and B. No wait a minute, F, I am sorry, F, E and D basically because they have got a long haul for parking.

MR. MC CARVILLE: Being a private road they can park anywhere they want, I assume, I don't know if the developer--

MR. EDSALL: This plan required no parking signs on it.

MR. KENNEDY: Any other apartment or condominium project in this town has every apartment unit and every condominium unit doesn't have a parking space right in front of it, there is somebody in all those sites that has to walk some distance or other.

MR. SCHIEFER: Look at Oakwood, that is--

MR. VAN LEEUWEN: You have to walk quite a ways.

MR. LANDER: The same cluster we are talking about here they are going to enter these units from this courtyard?

MR. KENNEDY: No, I believe the front of the units will be this way.

MR. VAN LEEUWEN: A couple of parking places you can probably put four parking places in there, give us a couple extra to work with too.

MR. KENNEDY: To put the parking spaces here at this corner, the only way I can get the units in here is to have them go in and back out onto that road. I don't know if that is--

MR. VAN LEEUWEN: It's a private road.

MR. KENNEDY: If you have no problem, I have no problem.

MR. VAN LEEUWEN: I have no problem. Personally, I have no problem with it. I realize you can't make a parking lot because you have an easement.

MR. MC CARVILLE: Sure you can, you can have the road going over it.

MR. KENNEDY: We can pave over an easement.

MR. VAN LEEUWEN: As far as I'm concerned, you can let them back into the road, that doesn't bother me but I am only one member that is all.

MR. BABCOCK: I don't know what the decision is going to be on

sidewalks but there should be some consideration at least an area for all these kids that might be standing out there on 94 for the bus. Right now, we are having some problems in the existing condominium units that we have in the town where all the kids are gathering on the road and now it is a major problem. We are getting alot of complaints about it.

MR. KENNEDY: What would you propose, I have no idea how many kids we are talking about.

MR. BABCOCK: At least an area so that the only place here that they can stand is in the road and I don't think that that is the right thing to do especially on Route 94.

MR. VAN LEEUWEN: What about the right hand corner?

MR. MC CARVILLE: Make a pad with blacktop on the other side of the curb, make sure it stays on the other side of the curb.

MR. SCHIEFER: The bus will stop right on 94, it will block 94.

MR. KENNEDY: Can we get one question answered at a time, what are we going to do about the bedrooms?

MR. SCHIEFER: What I have heard now, you have the option bedrooms or alternative sidewalks.

MR. VAN LEEUWEN: I didn't say that, Dan said that.

MR. KENNEDY: He is talking about a sidewalk through the middle of the site here.

MR. VAN LEEUWEN: You think you can put a sidewalk to one side of the easement, do you think that would be allowable to the town?

MR. KENNEDY: I don't know. You can't put a sidewalk, you just can't put permanent structures if the sidewalk had to be dug, it gets dug up.

MR. VAN LEEUWEN: If we can put a 3 foot sidewalk on the sanitary easement through those buildings there it can even be blacktop as long as it looks halfway decent.

MR. MC CARVILLE: Originally, the sewer easement ran through the middle then they moved it to make room for the units.

MR. KENNEDY: That is the sewer that's always been there.

MR. KENNEDY: That is the way the sewer was originally built in town.



MR. SCHIEFER: Eliminate a couple units I am sure you like that one.

MR. LANDER: I thought we eliminated one unit and now we have got 17 bedrooms more.

MR. VAN LEEUWEN: I have a solution. We are looking at 17 more bedrooms, let's give them half of that, ask him to put the sidewalk in, what we just proposed and give us a couple more parking places for 3C, 3D, F and E.

MR. SCHIEFER: Instead of a sidewalk along the road, propose a sidewalk up through here.

MR. VAN LEEUWEN: Yes.

MR. SCHIEFER: Take off 7 bedrooms, add 4 parking places up in this area and what about this place for the kids.

MR. VAN LEEUWEN: And a pad for the kids to stand on.

MR. SCHIEFER: Anyone have any objections? I hate to see Pat keep coming back here.

MR. SOUKUP: He will be back.

MR. KENNEDY: Every time we are coming in here we are coming back.

MR. VAN LEEUWEN: This will be the final change we are going to ask him to make.

MR. SCHIEFER: No, no, do you have any other recommendations, comments, questions or does this satisfy all your questions?

MR. SOUKUP: What happened to the bus shelter question?

MR. SCHIEFER: We are talking about a pad for the kids to stand on, not a shelter we are talking about a sidewalk over this easement and up between these two buildings that will not interfere with the roads if that is not concrete if it is macadam just some kind of a formal walkway, take 7 bedrooms out, cut that part out and give us a few extra parking places here. Now if you are going to have any other comments come out with them now. I am sure the applicant has to be frustrated, there are four proposals.

MR. VAN LEEUWEN: After that, we should approve it.

MR. MC CARVILLE: I'd have no problem at that point.

MR. SCHIEFER: Anyone have any objections at that point? Get a

5-23-90

copy of the minutes of the meeting, seems to be unanimous agreement if you will give us that, we see no problem with it.

MR. KENNEDY: Okay, thank you.

SEARCHING FOR PROJECT NAME: WINDSHIRE

APPL-NO --DATE-- SEC-BLK-LOT.SUB

PROJECT-NAME-----

90-26 05/03/90 26-1-13.0

AMENDED SITE PLAN FOR WINDSHIRE CON

93-5 02/05/93 26-1-13.0

WINDSHIRE AMENDED SITE PLAN

*Have not taken any action at this time*

enter '#' to select, 'Q' to quit, 'N' for next page, 'P' for previous page:

85-43  
12-10-86  
2-25-87 + ~~2-8-87~~ - asked for Long E.A.F.  
2-86  
11-86

## PLANNERS EAST Incorporated

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Brod Acres, RD #1, Box 1137 Poestenkill, New York 12140 (518) 283-2956

Arthur F. Brod, Jr., AICP President

May 7, 1993

Mr. Mark Edsall, PE  
Planning Board Engineer, Town of New Windsor  
Town Hall  
555 Union Avenue  
New Windsor, New York 12553

Re: Status of Proposed Emergency Access Roadway,  
Windshire Condominium Development

Dear Mark:

As a followup to our conversation earlier this week, I ask the following questions regarding the subject improvement between the residentially-developed portion of the Windshire Condominium tract and the proposed Fox Wood access roadway:


1. Has the Town Planning Board, with input from the appropriate local fire officials, conclusively determined that it desires to have this emergency access roadway installed?
2. If yes, has the Town Planning Board, with input from the fire officials and your office, determined the specific design criteria under which this access roadway is to be engineered and installed (subject, of course, to the permit approval of NYSDEC Region 3 to the extent that any or all of the improvement is to be located within Freshwater Wetland CO-5 or its regulated buffer)?
3. If yes, were the potential environmental effects of the installation of this emergency access roadway evaluated by the Town Planning Board prior to its conclusion some years ago of the environmental quality review process for the Windshire Condominium development? Relatedly, is the Planning Board aware of, or has it conducted any evaluation of, the implications of this proposed emergency access roadway under the Army Corps of Engineers regulations for administering the wetland provisions under Section 404 of the Clean Water Act?

Thank you for your early consideration of the above questions. Resolution of the status of this prospective improvement is critical to completion of the on-going negotiation between our client, Foxwood Associates, LP, and the Windshire Condominiums project sponsor, Mr. Teitlebaum, regarding the NYSDEC's preferred routing of Fox Wood's Erie Avenue access roadway.

Mr. Mark Edsall, PE  
May 7, 1993 / Page 2

Should you require any further input before answering the questions I have posed or desire that either Greg Shaw or I meet with the Planning Board for a fuller discussion of this issue, please advise.

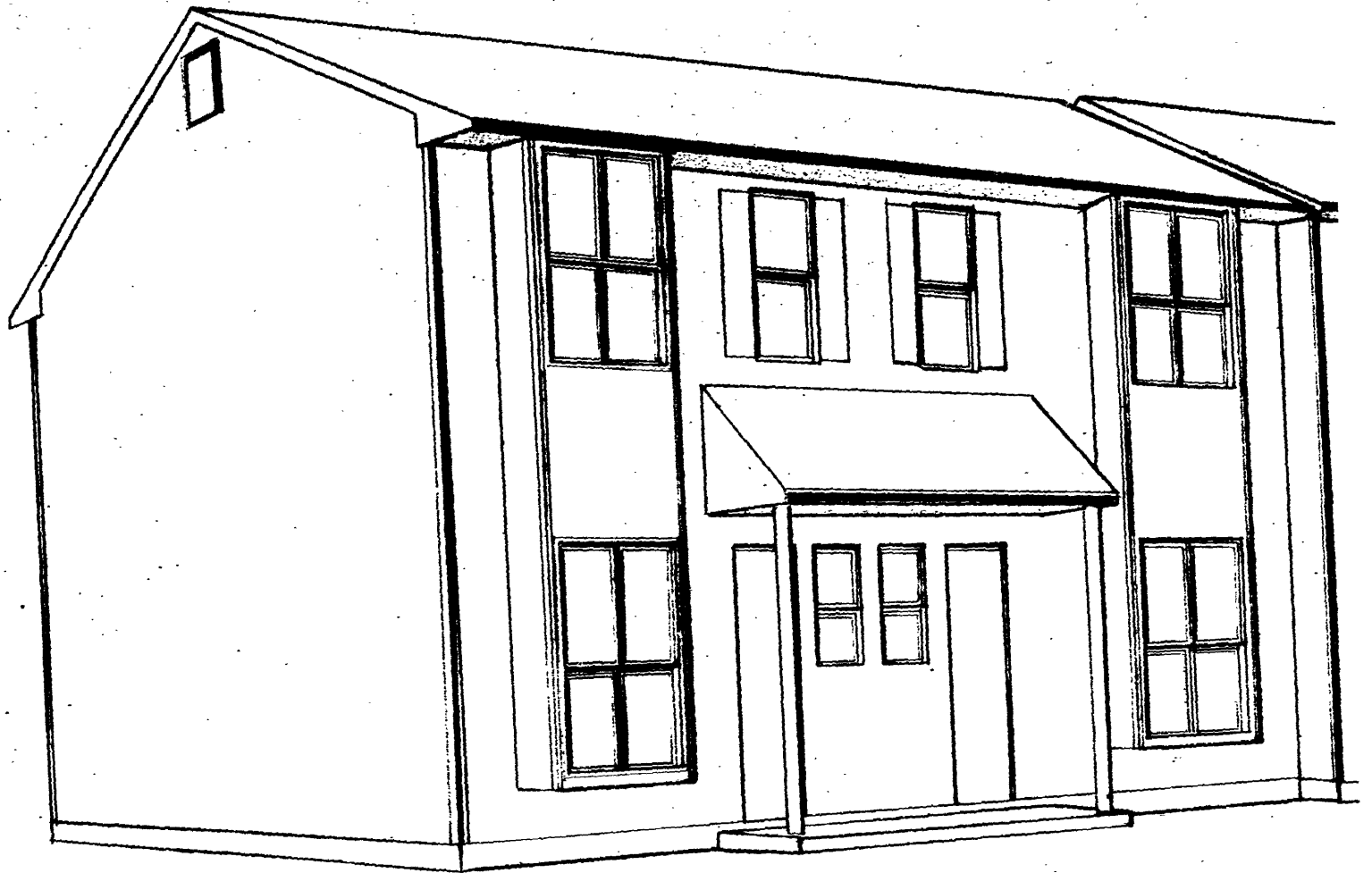
Sincerely,



Arthur F. Brod Jr., AICP

cc: James Petro, Planning Board Chairman  
Ross L. McKersie, Foxwood Associates, LP  
Gregory Shaw, PE  
Manny Teitlebaum, Windshire Condominiums

WINDSHIER







**McGOEY, HAUSER and EDSALL**  
**CONSULTING ENGINEERS P.C.**

45 QUASSAICK AVE. (ROUTE 9W)  
NEW WINDSOR, NEW YORK 12550

TELEPHONE (914) 562-8640  
PORT JERVIS (914) 856-5600

RICHARD D. McGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.

Licensed in New York,  
New Jersey and Pennsylvania

15 March 1989

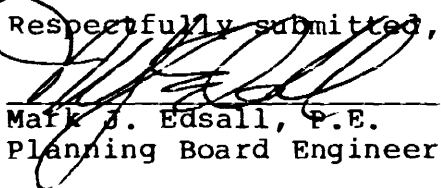
MEMORANDUM FOR RECORD

SUBJECT: WINSHIRE SITE PLAN (T85-43);  
TOWN OF NEW WINDSOR PLANNING BOARD

In a project meeting with the Owners of the subject project, a question was raised as to the required width and construction details for the secondary access from the main site to Erie Avenue. In a review of the minutes, it appears that the Planning Board discussed the construction of an oil and chip, 17 foot wide private road for this secondary access. A review of the file indicates that the Bureau of Fire Prevention requested a 34 foot wide road for this secondary access. A review of the plans indicates a 34 foot width from the main site to the common right-of-way with the Foxwood project, then a 17 foot wide private road from that point to Erie Avenue. The plan I reviewed had the stamp of approval from the Planning Board on same.

Based on the conflict of information found in the review of the minutes, it is my opinion that the Planning Board should require that the project be constructed according to the approved stamped plans and, if a clarification or waiver is requested by the Applicant, they should re-appear before the Planning Board for such clarification.

Respectfully submitted,

  
Mark J. Edsall, P.E.  
Planning Board Engineer

MJEemj

cc: Mike Babcock, Building Inspector  
Edward Kramer, MH&E Field Representative  
Planning Board File (85-43)

wind





1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

24 November 1992

Mr. Manny Teitlebaum  
Windshire Village  
256 Quassaick Avenue  
New Windsor, New York 12553

SUBJECT: WINDSHIRE CONDOMINIUM PROJECT  
NEW WINDSOR PLANNING BOARD PROJECT NO. 85-43

Dear Manny:

This letter is written at your request, confirming our recent telephone discussion regarding the infrastructure improvements for the subject condominium project, which was reviewed and approved by the Town of New Windsor Planning Board. The infrastructure improvements which are the subject of this letter are the water distribution system, sanitary sewage collection system, project roadways and drainage systems. The infrastructure improvements required as part of the development all are privately owned facilities, intended to be owned, operated and maintained by the condominium Homeowner's Association, not intended for dedication to the Town of New Windsor. Further discussion regarding each infrastructure improvement is included hereinbelow.

With regard to the water distribution system, this item was subject to the review of the Orange County Department of Health. Based on our review of the file information, and the as-built record drawings prepared by Shaw Engineering, it is our understanding that the distribution system for the project has been completed and is operational. The entirety of this distribution system is private.

With regard to the sanitary sewer collection system, the project property had through it an existing sanitary collection main owned by the Town of New Windsor. The design of the project was such that no extensions of mains were required to serve the project units, connection to the existing Town sewer line was accomplished by individual service laterals. The service laterals are privately owned and maintained by the Condominium Association, with the sewer collection main being owned and maintained by the Town of New Windsor.

Mr. Manny Teitlebaum

-2-

24 November 1992

It is our understanding that individual sewer connection permits are issued by the Town Sewer Department for each lateral to be installed and each has been accepted as part of the individual building construction.

With regard to the project roadway and drainage systems, these elements are required as part of the site development, as approved by the Planning Board; however, these elements remain privately owned and maintained by the Condominium Association. It is our understanding that these improvements are being constructed in accordance with the approved plans. Prior to the issuance of the final series of Certificates of Occupancy for the overall project, a review will be made by the Town as to the status of the completion of all major site plan elements.

I am hopeful that this letter is acceptable for your intended use for outlining the status of the infrastructure elements for the Windshire project.

Should you require additional information concerning the above, please do not hesitate to contact me.

Very truly yours,

TOWN OF NEW WINDSOR  
PLANNING BOARD

  
Mark J. Edsall, P.E.  
Planning Board Engineer

MJEmk

cc: James Petro, Planning Board Chairman  
Michael Babcock, Town Building Inspector

A:TEITLE.mk

Chairman Reynolds: You will be on the next agenda, Mr. Zimmerman.

\*\*\*\*\*

Trailer Reviews -

Jim Nugent - No representation

Mt. Airy - No representation

\*\*\*\*\*

Windsor Park Site  
(Bloomenfeld & Rosen  
Route 94  
represented by A. Cavalari, Esq. and Don Fullum

Atty. Cavalari: We were here before the Board in August.  
Don is here this evening. If we have your conceptual approval  
we could go on.

Chairman Reynolds: Sanitary review -

Fire Bureau Review

Mr. Van Leeuwen: My comment before and again is- These people are  
the same people who put Countryside in.

Mr. Fullum: Countryside is a Corporation. This parcel is Ben and  
Eric Blumenthal and David Rosen. Mr. Rosen is 71 or 72 years of  
age.

The other individual Jack Rosen is the son. He might have as  
much luck with his son as I have with mine.

Atty. Cavalari: Any assistance we could render we certainly will  
try. It is not for lack of good will. Mr. Rosen and Mr. Blumenfeld  
have been long time business men in New Windsor. They have been the  
sole owners of Knox Village.

Mr. Schiefer: You have to resolve some problems with the Fire Bureau.

Mr. Fullum: There are three parts. Conceptual, preliminary and  
final. Whether or not the man should invest thousands of dollars  
on this, that is the question. If you were my client you certainly  
would like some answers.

Chairman Reynolds: Does this encompass all? How many acres?

Mr. Fullum: Eight acres. The old buildings will be taken down.  
We propose condos.

Mr. Spignardo: Are you using the Erie Avenue exit?

Mr. Fullum: I don't think so. Thru traffic the neighbors might not like. If the Fire Bureau wants two entrances and exits, then that is different.

Mr. McCarville: What are the fire walls in the buildings?

Mr. Fullum: Block walls.

Does the Planning Board entertain condos in that area?

Mr. Spignardo: The Planning Board will look into this and at the next meeting come in for conceptual.

\*\*\*\*\*

Patricia Ramel Subdivision and lot line change  
located at Beaver Dam  
represented by Elias Grevas L.S.

Chairman Reynolds: We have a note from the Sanitary Superintendent. Submitted map does not provide information re:

Mr. Jones: This looks familiar.

Mr. Grevas: Those (pointing) lots were approved. These lots were purchased by the Ramels.

Mr. Spignardo: Was Linden Avenue approved?

Mr. Ramel: There is shale on the road.

Mr. Jones: There is no finish on the road?

Mr. Ramel: No blacktop, just shale.

Mr. Scheible: It will be a private road?

Mr. Grevas: Yes.

Mr. Spignardo: An extended private road.

Mr. Scheible: This is less than two acres on a private road.

Mr. Grevas: Is that adopted? You have authority to change the zoning?

Mr. Scheible: We are going by the guide lines.

If it is going to be a Town road .

If it is going to be a private road - two acres (2 acres).

\*\*\* \*\* \* \* \* \*

Burger King Site Plan  
Route 32  
represented by Carmen Mortise

Chairman Reynolds: This application states for the use and construction of a new green house.

Mr. Cuomo note stated that there was no left entrance.

Mr. Mortise: Here is the existing. No parking is effected.

Chairman Reynolds: Will there be additional seating?

REVIEWS

Windsor Park Site Plan  
Route 94  
represented by Alfred Cavalari, Esq. and  
Donald Fullum

26-1-13

Mr. Spignardo: Why Windsor Park? We have so many with the name of Windsor.

Chairman Reynolds: This is a Site Plan application in the name of Windsor Park, name of applicant - Windsor Associates. Donald Fullum is the Engineer preparing the plans. It is located on the west side of Route 94. There are 8+ acres. It is for the Use and Construction of Condo's.

Mr. Fullum: We are here for conceptual approval or pre-preliminary approval. The zone is R5 multi dwelling. If you like the idea we will proceed.

Mr. Jones: I asked before if they were going out Erie Avenue. I asked the last time you were here.

Mr. Fullum: We prefer not to but if the Fire Department insist, then we would not have much of a choice.

Chairman Reynolds: They are here for conceptual approval. If we like it then they can work from there. There are thirty nine (39) units.

Mr. Scheible: It is in R5 which we have designated for such.

Mr. Spignardo: Conceptual - fine.

Mr. Jones: Conceptual.

Mr. Schiefer: Conceptual fine.

Mr. McCarville: I have a problem with it being used for this. There is an existing site problem on Route 94. There will be a problem on Erie Avenue with visibility. That many units and that area?

Mr. Scheible: You could make a "T" as a possibility on Jay Street, if possible.

Chairman Reynolds: You can't question zone. The Town has set that area for that. They are here this evening to see what we would like in that area.

Mr. Schiefer: I would like to have the feeling of the Fire Inspector.

Mr. Spignardo: Come up with a preliminary plan.

Mr. Fullum: Thank you gentlemen.

Windsor Park Site Plan  
Route 94  
represented by Donald Fullum PE

Chairman Reyns: The owner of record is Blumenfeld and Rosen. There are thirteen (13) lots.

Mr. Fullum: We came this evening for conceptual approval. We have changed the name to Windshire. We need a minimum of five (5) acres. We have seven and one half (7½) acres. As I said we came tonight for conceptual approval. The concept of condominiums has been dropped. Concept now is town houses. They would be owned by the homeowners. The entrance is on Route 94. Arrangement of the buildings - Some units will have garages. The buildings will be 35 feet high and 1,000 square feet of liveable area. We are in a New Windsor light district. We are in sewer district 9 and water district 5. We are in a fire district. We are ready to proceed with grades.

Mr. MCCarville: What is the width of Erie Avenue entrance?

Mr. Fullum: Forty five (45ft.) feet.

Mr. MCCarville: I am concerned about coming out onto Route 94.

Mr. Fullum: There is an existing gravel road coming out off Erie Avenue.

Atty. Rones: How many units will there be?

Mr. Fullum: There are 22 two bedroom and 22 three bedroom.

Mr. Van Leeuwen: How wide is the sewer easement?

Mr. Fullum: I'm not sure.

Atty. Rones: Are there any recreational amenities?

Mr. Fullum: I don't know if they would be of any benefit. There is an area where we could put swings.

Mr. Scheible: Are you showing one space for one (1) car?

Mr. Fullum: There is a garage and one (1) parking space. Some have garages. There are 80 spaces being used. As I said before we have changed the name to Windshire.

Mr. Van Leeuwen: I would like to see a plan of the buildings.

Mr. Fullum: Water is collecting from another parcel.

Chairman Reyns: We will make a tour with our engineer.

Mr. Fullum: Orange County Planning Board disapproved this until wet lands were located by the DEC. The layout is basically the same. The significant thing was disapproved by Orange County Planning Board. We had an employee of DEC come out and locate and flag. I drew a series of dots. We can build but we need a permit. My proposal is to eliminate six (6) structures. Divide the project into Section 1 and 2. A one hundred foot (100ft.) perimeter. It will allow time to get permit for parking and six (6) structures. They usually come out and flag and as professionals we draw up.

Mr. Spignardo: I would like something in the file to authenticate this.

Mr. Van Leeuwen: Is it over fifteen (15) acres?

Mr. Fullum: Probably. I requested this. DEC goes out A botanist probably. He locates the ferns and what have you. I have to send a man with him and flag it. Then as a professional I plot it out.

John Wheeler, Poughkeepsie: May I ask a question from the audience? I represent Foxhill Development. Is there going to be a stub coming out? The seconded thing I would like to ask. We have a lot of water coming out from the town. I want to make sure where it is going.

Mr. Fullum: Do you own this parcel (pointing to map)?

Mr. Wheeler: Yes.

Mr. Jones: How many units are there?

Mr. Wheeler: In excess of 300.

Mr. Scheible: Do you have access on Erie and Route 94?

Mr. Wheeler: Yes.

Mr. Scheible: I would like to see a sketch plan.

Mr. Wheeler: Next month we will have it.

Discussion followed about road access.

Mr. Fullum: We didn't want access on Erie Avenue. It sometimes becomes a short cut and a bypass. If you want swings and slides. I am familiar that Erie is used to become a bypass. It is never a question about short cuts with a normal driver.

Mr. Van Leeuwen: How many units?

Mr. Fullum: Forty four.

Mr. Van Leeuwen: We discussed service entrance.

Mr. Fullum: We will install crash gate for emergency vehicles.

Mr. Jones: What are you going to do with those acres?

Mr. Fullum: We are going to clean up.

Mr. Van Leeuwen: You draw the plans. Are you going to put forever green?

Mr. Fullum: We will have. If another developer is working the area maybe some day it will be possible for something to happen. The roadway we have is forty (40) feet. It doesn't meet the Town specs for a town road. It is not



September 10, 1986

Chairman Reyns read a memo from Fire Inspector Rodgers disapproving.

Mr. Spignardo: Does your entrance come across from Jay St.?

Mr. Fullum: I located catch basin at Jay Street. I don't have enough property. It is very close.

Chairman Reyns read a memo from Planning Board Engineer Cuomo stating parking layout precludes a continuous loop flow of traffic in parking lot.

Mr. Jones: Is this all off street parking?

Mr. Fullum: We figure about 1½ cars.

Mr. Babcock read from the Code book - Single family dwellings - 2 spaces with full turn-a-round. There is nothing for town houses.

Mr. Spignardo: Please relocate the entrance and get the fire hydrants squared away.

Chairman Reyns: Are you sticking for the same parking?

Mr. Fullum: One and one half (1½) spaces unless everyone has to have two (2) spaces.

Mr. Van Leeuwen: Two spaces. The map roads look narrow.

Chairman Reyns asked if there was to be one town road?

Mr. Fullum: It will be sufficient width for the Fire Bureau. I am not sure what Fire Bureau wants for ordinance.

Mr. Scheible: Have the figures on the map.

Mr. Scheible: We would like to see sketch of units also.

Mr. Jones: Another thing - planting near entrance.

Mr. Van Leeuwen: A landscape plan.

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#4 on the agenda:      Planned Parenthood Site Plan  
                            Route 94  
                            represented by Greg Robie

Mr. Robie: We have gone over this several times. You had some questions.

Chairman Reyns: Could we have your report Mr. Cuomo.

Mr. Cuomo: There are ruts there and the gravel drive does not stand up. As I stated in my memo, I disapproved this because of the gravel parking. In this area it tends to break down and rut heavily. Marking parking spaces with a gravel lot is very difficult.

#3 on the agenda:

(75) Windsor Enterprises Inc. Site Plan #86-63  
located on Route 9W  
represented by Patrick Kennedy and James Petro

Mr. Kennedy: The comments that were requested at the last meeting are done.

We show proposed sewer line, we removed Lease's name, we show tree line.

We have sanitary system in operation and approved by Mr. Masten. There will be one (1) driveway off 9W.

Mr. McCarville: What about desposal of paint there?

Mr. Petro: Robert Rodgers gives final approval on that.

Mr. Edsall: The revision date to be corrected.  
Engineer's report- (see attachment #3)

Mr. Kennedy: It is on the bottom of the page.

Motion by Henry Van Leeuwen seconded by Lawrence Jones  
that the Planning Board of the Town of New Windsor approve  
the Windsor Enterprise Inc. Site Plan located on Route 9W  
and collect all fees. Roll call: 4 ayes, no nays. Motion  
carried. Site approved.  
(fees paid except Engineering.)  
\* \* \*

#4 on the agenda:

Diamond Candle Site Plan  
represented by Elias Grevas LS

Secretary phoned from Mr. Grevas's office to request not  
being on December 10, 1986 agenda.  
At the applicant's request Diamond Candle is not on the agenda  
this evening.

Acting Chairman Scheible: Mr. Grevas was going to return to  
us concerning the tires that were stored and the water  
that was in the one foundation.  
The applicant could not appear this evening. He has not completed  
the submission therefore we have no time problem.  
\* \* \*

Review

Windshire Site Plan #85-43  
Route 94  
represented by Fred Zimmer

Mr. Zimmer: Donald Fullum had a death in the family and could  
not attend the meeting. I am his partner and I will try to take  
his place.

You wanted private road lined up with Jay Street.  
Fire Hydrants shown and wetlands 100 ft. set back.

Mr. McCarville: It looks like the parking lot is in wetlands.

Mr. Van Leeuwen: You will have to go to the DEC.

Engineer's Comments - (see attachment #4)

Mr. Van Leeuwen: Do you have the DOT work permit?

Acting Chairman Scheible: I will read the DOT correspondence.  
They have no objections but a work permit must be obtained.  
We will go over the Engineer's comments.

Mr. McCarville: I assume the line around the parking is asphalt curbing.  
Will there be lighting.

Mr. Zimmer: It will be maintained by homeowners.

Mr. Van Leeuwen: Have stone or something but no blacktopped curbing.

Atty. Rones: Is there any screening on Route 94?

Mr. Edsall: Mr. Chairman, you had requested landscaping plan. You had requested screening on northerly side.

Mr. McCarville: What are the width of roads?

Mr. Zimmer: Twenty four (24) feet paved roadway.

Mr. Van Leeuwen: I would like to see signs along roadway.  
NO PARKING. If two cars are parked emergency vehicles can not get through.

Acting Chairman Scheible: What about open space. Will there be a recreation area.

Mr. Blumenfeld: Yes.

Mrs. Conklin: Mr. Blumenfeld wants concrete curbs.

Mr. Zimmer: What about Erie Avenue.

Atty Rones: A road of some sort. Not paved as other but access for emergency vehicles.

Mr. McCarville: Did you make the area lighting?

Mr. Blumenfeld: It will be landscaped.

Acting Chairman Scheible: Location of hydrants must be shown.

Mr. McCarville: Check with Mr. Rodgers.

Mr. Zimmer: I am at a loss for I am not familiar as Don is with the site. We will check with Mr. Rodgers.  
Thank you.

TOWN OF NEW WINDSOR PLANNING BOARD

TOWN HALL, UNION AVENUE, NEW WINDSOR, NEW YORK

APRIL 8, 1987

BOARD MEMBERS PRESENT: HENRY SCHEIBLE  
LAWRENCE JONES  
HENRY MC CARVILLE  
RON LANDER  
HENRY REYNS

OTHERS PRESENT: JOSEPH RONES, PLANNING BOARD ATTORNEY  
MARK EDALL, PLANNING BOARD ENGINEER  
FRANCES ROTH, SECRETARY

ABSENT: CARL SCHIEFER  
HENRY VAN LEEUWEN

Mr. Schiefer called the regular meeting to order.

Mr. Schiefer asked if there were any additions or corrections to last month's minutes. Being that there were none, a motion was made to accept the minutes as distributed by Mr. Mc Carville, seconded by Mr. Jones and approved by the Board.

ROLL CALL: MR. JONES AYE  
MR. REYNS AYE  
MR. LANDER AYE  
MR. MC CARVILLE AYE  
MR. SCHEIBLE AYE

WINDSHIRE SITE PLAN (85-43)

Mr. Fullam came before the Board representing this proposal.

Mr. Fullam: Mr. Scheible, members of the Board. At our last appearance before this Planning Board it was determined that we had reduced our questions to one final problem and that was the width of the roadway which would be installed in this particular project. At the Board's request we have changed the plans and the plans do indicate a 34 foot wide roadway between face to face of curbs for the entire subdivision and said road will also continue 34 foot wide in the westerly direction to butt against the proposed road to be built on the Warner construction property. This will be 34 foot wide Town specs curbed paved up to the property line. From that point to Erie Avenue we will construct as requested the 17 foot wide private road which will be a temporary emergency access until the new road is built for the subdivision development behind us. I believe that was our agreement at the last Planning Board session so in effect we have one item and we have complied we feel with the one request that was a stumbling block at our last appearance.

Mr. Mc Carville: And( a access road onto Erie Avenue( at is going to be for emergency use you are going to close that off that will not be used the aim is it will be a private road that is true all the roads are private within the development.

Mr. Fullam: We will not physically barricade it at the request of the fire marshall. He asked us not to put any crash gates in. At least all we can do is put up signs private property.

Mr. Mc Carville: That will be shale?

Mr. Fullam: Yes, there is a detail inside on page 2 half section private road oil and chip.

Mr. Mc Carville: The other possibility too is in the event this other project is not approved.

Mr. Fullam: There is a potential for creating there is a 40 foot easment there, there is the potential for improving that road to a standard 34 foot section. When and if the other development does not occur. I do not anticipate that the other development will not occur I do anticipate it will be quite a while.

Mr. Reyns: What is the entire frontage from here to here?

Mr. Fullam: 147 feet.

Mr. Reyns: That included the road?

Mr. Fullam: Yes, the road is here it is 34 feet we moved it at the Board's request to be opposite Jay Street.

Mr. Reyns: These buildings will be set right in there?

Mr. Fullam: No, they are here. It is not the intention that this road would be dedicated to the Town it is being upgraded to Town specs at request of the Town Planning Board.

Mr. Mc Carville: What concerns me is on this road that there is a real possibility this will be used for a daily thing.

Mr. Fullam: That was our concern that is why we wanted a physical barrier because we are creating a short cut avoiding the intersection of Route 94 and Erie Avenue. However we were caught between two needs of two separate groups. One is presently creation of a short cut the other is emergency access by fire police etc.

Mr. Mc Carville: The concern I have it is maintained in dust free condition.

Mr. Fullam: If we do what is called for an oil and chip which is reasonably close to blacktop situation it will be dust free.

Mr. Ronen: When is it expected development? When will it start and how long is it going to continue?

Mr. Fullam: Once we have final approval I would expect that the applicant will

seek a building perm( it depends on how we do tonight maybe tomorrow. He is going to try and do something right away even now getting late into the construction season and for a project of this it is a fairly small project there is some complicated underground work that has to be done I'd assume he wants to start immediately. How long will it take? Maybe a year.

Mr. Rones: It is not anticipated this project will be finished out by the fall for example?

Mr. Fullam: I'd not be that optimistic there is a phase 1 and phase 2. Phase 2 is a very small part of the project but that requires DEC permit because some of the parking spaces are within the hundred foot set back. DEC permit is probably going to be six months anyway we'd not be able to start the units until these permits are granted.

Mr. Scheible: Mr. Edsall do you have any comments?

Mr. Edsall My previous comments have been answered.

Mr. Mc Carville: On the property there are a couple of buildings that are boarded up are you going to use those as construction building?

Mr. Fullam: I think they have been demolished. The intention is to demolish them I understand they did get a bid from someone some contractors to demolish the building and remove the debris that is going to be stipulated in the agreement.

Mr. Mc Carville: Do we have the fire department documents?

Mr. Scheible: Yes, we have everything.

Mr. Rones: These are going to be condos?

Mr. Fullam: No, the present plan is construction of town houses.

Mr. Rones: These are going to be individual lots?

Mr. Fullam: I am not an attorney it is more of a type of a co-operative situation. Where owners of the units will be sharing commonly the costs of the privileges of the open grounds.

Mr. Rones: Are the owners going to have title to the land underneath their units?

Mr. Fullam: I am not an attorney I can't answer that.

Mr. Rones: You have to know that we have to know what we are talking about, site plan approval of condos or subdivision approval.

Mr. Fullam: It is not condo that much I can tell you.

Mr. Rones: We have to know what the form of ownership is going to be and precisely what provisions are going to be set forth for the maintenance of the common elements.

Mr. Reynolds: What is the application read, now is the application made out for?

Mr. Fullam: Site plan approval for town houses. The owner has the option to build the town houses and he can maintain the ownership of them and the physical arrangement is basically apartment except it is a town house then he'd be responsible for the common lands because he would own them.

Mr. Jones: Like Knox Village.

Mr. Fullam: Yes, if at some point in time he wishes to turn that responsibility and the cost over to the property owners this is not usual but not uncommon.

Mr. Rones: That is a whole different story he has to apply to the attorney general.

Mr. Fullam: That is a condo I wish we would have thought of this 15 months ago as far as I know at this point in time they maintain the ownership of the property they intend on maintaining the ownership of the property they apply for site plan approval to build town houses at this point in time to the best of my knowledge in the beginning it is going to be rental type units. There has been talk perhaps it is academic talk about at some point in time looking at a home owners association if that creates a problem then certainly we would have to come back before the Board but it would be a revision.

Mr. Rones: It may or may not be a revision depending upon what the information was. The application reads condos.

Mr. Fullam: Back in 1985 for lack of better terms it was an unfortunate choice of words, hindsight being 20-20 vision but we have not talked about condos with this application and the subject has come up several times at prior meetings.

Mr. Reynolds: That would have to be spelled out before we make a determination before we vote.

Mr. Fullam: As condition any condition these are to be strictly rental units if there are any other form of ownership is desired then he has to come back in for a determination obviously they are not condos, not for the 44 units. The cost is prohibitive, the time delay with the attorney general I am very sorry that I wrote it if I had had thought this question was going to have come up tonight I wouldn't have written it down years ago.

Mr. Scheible: I think you were instructed to start as condos and things have been changed since that time.

Mr. Fullam: Having brushed shoulders with some condo projects in the past that the tremendous time that is required to get through the attorney general for approval and tremendous legal costs involved in getting projects approved, and it being cost prohibitive for a relatively small project.

Mr. Rones: We just have to determine who is going to be responsible to maintain the common elements and the answer is one thing if it is a condo and it is a different thing if it is a rental unit and we have to know who is going to be responsible if something isn't right.

Mr. Fullam: At this point in time, the property is and remains in the ownership

of the two applicants ( it has for the last 12 or 14 yrs they intend to build town houses there. There has been no application made to any government agency for any consideration whether it be condo or co-op. There has been some discussion in the past over coffee about potential of sometime doing something but the facts this evening are that the owners of this property are applying for site plan approval to build 44 town houses.

Mr. Scheible: Rental units.

Mr. Fullam: Yes, the only option they have at this time is to rent them out. They have made nor received any type of application for any other type sophisticated ownership rental agreement. And I certainly would have no problem in stipulating that the applicant will certainly agree to a condition that these are to be rental units that the common areas, roadways parking areas ect. shall remain the ownership and responsibility of the applicant and if at some point in the future if he wishes to change the manner of ownership he will and must appear before this Board. Is there any problem with that?

Mr. Scheible: The problem arises from the application the application was applied as a condo unit.

Mr. Fullam: Unfortunately the choice of words and if it was going to be a sticking point if had been brought up in the beginning we could have settled it.

Mr. Jones: It should have been brought up in the beginning I feel bad about it that we didn't bring it up were are as much at fault as anybody else.

Mr. Fullam: I am willing to put that definitive stipulation that I put on the record that in no way there will be anything else but rental units unless he appears before this Board for revised site plan.

Mr. Mc Carville: I have no problem with that.

Mr. Ronces: I feel we should have some statement from the applicant making it clear who is going to be owning the premises whether it is going to be a rental apartment or just what the arrangement is and the other thing is just correction of the note on this map here where it says if Fox Hill is not constructed then the owner will extend private road it should be "the" owner instead "this" owner. Just a typo if you can correct it. It is possible that after approval or at some time during the approval process that the title to this whole project could change hands.

Mr. Fullam: Whoever buys this project buys this site plan is that correct?

Mr. Ronces: I suppose I like that better than this.

Mr. Fullam: I have made a request, I made a statement to the Board and I said we would be willing to accept a motion with a definitive statement tonight stating that the applicant or the owners, that these town houses will be built and be strictly rental units, the owners, heirs, or assigns if you want will be absolutely and forever responsible for the maintenance, grounds, parking, grass, roadways, etc. and if at any point in the future said applicant, owners, heirs and assigns wishes to change the type of ownership that would require a revision to the site plan which would mandate that they appear again before this Board.



Mr. Rones: I don't have any problem with that. We'd need something from the owner to assume your authority. I'd rather have a letter than a telegram on this.

Mr. Fullam: So I will get a letter when I get the letter signed by both co-owners and I bring it to you and I will forward it.

Mr. Scheible: Bring it to me and I will forward it to Mr. Rones once his approval is put on there then we will go on.

Mr. Mc Carville: "That the Planning Board of the Town of New Windsor grant final site plan approval to Windshire Site Plan." Seconded by Mr. Lander and approved by the Board.

Roll Call:	MR. JONES	AYE
	MR. REYNS	AYE
	MR. LANDER	AYE
	MR. MC CARVILLE	AYE
	MR. SCHEIBLE	AYE

#### NEW WINDSOR BUSINESS PARK SUBDIVISION (86-65)

Mr. Hustis came before the Board representing this proposal.

Mr. Hustis: What we have is an existing five and a half acre parcel of land lying on the north side of Temple Hill Roadway. We propose to do is a lot line revision and it is right now the existing parcel is here there are two parcels of land, two separate ownerships, tax map, section 4, block 2 lot 15 which is vacant land parcel 3.21 which is Automotive Brake. One parcel lies here and the other is the adjacent land off Automotive Brake. We intend to convey parcel 2 to Automotive Brake, parcel 1 will remain. The small strip will be dedicated to the Town of New Windsor for their future access to Temple Hill Road to the break off. Their property line right now is here, the New Windsor Hall is here and here is the site owned by my client. It is so noted down there I think the agreement has been made between the Town and the applicant.

Mr. Scheible: Two lots will be subdivided.

Mr. Mc Carville: Will any portion of parcel 1 be served by the proposed road?

Mr. Hustis: I don't have the agreement that was worked out with Don Witfield and the Town I don't have that information available to make comment. I was under the impression Mr. Witfield had talked about this previously with you.

Mr. Rones: It is going to be a public road.

Mr. Mc Carville: It is to be for emergency vehicles only.

Mr. Scheible: Right.

Mr. Babcock: They wanted that road just for authorized vehicles, it is going to be posted and signed for official vehicles only and it is going to be for the police station for their use. A driveway for the police station, official vehicles only.

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Mr. Soukup: We will complete the topo with USGS on 22.

Mr. Scheible: The remainder lot cannot be developed.

Mr. Soukup: Lot 22 will not be eligible for building permit. No building permit will be issued until the subdivision is completed. We'd like to have a public hearing scheduled because we do have Public Health Department. Thank you.

WINDSHIRE (85-43)

Mr. James Loeb came before the Board representing this proposal.

Mr. Loeb: I am James Loeb, I am appearing tonight for Mr. Bloomenfeld and David Rosen in connection with Windshire Project and I'd like the record to indicate that Mr. Bloomenfeld is present. I understand that at your meeting of April 8, 1987, the engineer for the project advised the Board in response to very proper questions that this project was a rental project. That statement was in error. This project was originally applied for and has always been conceived of and in the minds of Mr. Bloomenfeld and Mr. Rosen who own the property is a condominium project. As soon as they learned of that they came to my office and asked me to correct the record. I called your attorney, Mr. Rones, explained to him what my client had told me and he asked me to write to him. I did on April 20 and he responded to me on April 24 and advised me to appear tonight so that the record could be set straight. There is no question and I can state without any ambiguity that this project is not a rental project, was never conceived to be one is proposed to be a condominium. My office has been retained to file for the necessary approvals with the New York State Attorney General's Office and we are prepared to do so. What I would hope tonight is that the record of the Planning Board not be corrected because what you heard was incorrect and your record is correct but that the record be set straight so that it is clear it is a condominium project and not a rental project.

Mr. Rones: What is the time table for the approval of the condominium documents?

Mr. Loeb: With luck I would hope that within six months we would get approval. The problem with the approval process is the collection of material we have told Mr. Bloomenfeld we have a 32 page letter which lists the materials that the attorney general requires for the approval of condominium projects and we are prepared to deliver that letter to him tomorrow and I know he is prepared to start supplying us with the material that we need to submit.

Mr. Van Leeuwen: I always understood it was a condominium townhouse project and it was supposed to be sold.

Mr. Loeb: That is correct and I think the record would indicate Mr. Rones asked Mr. Fullam what sort of project this was and for reasons which I cannot explain and don't know because I was not present nor was Mr. Bloomenfeld or Mr. Rosen, he responded that it was a rental project that is just not correct.

Mr. Rones: In fact he gave several reasons for it.

Mr. Loeb: Since he felt that this was a matter of some importance to the Board,

please appear and since I feel that this is an important matter I asked Mr. Bloomenfeld to drive up and be here so if there are any questions I am speaking as his attorney if he disagrees I am certain that he would say so. It is a condominium project I don't know why Mr. Fullam said the other.

Mr. Rones: We are concerned with who was going to be responsible for maintenance and such on site.

Mr. Van Leeuwen: He said homeowners association because we were talking about the fact that the homeowners would be responsible when you form the homeowners association the people own the land and the property.

Mr. Rones: It was the homeowners association and landlord and a number of different things so we had to get it straight so we know down the road where the buck stop and so at this point I think it would be appropriate to vote again on the site plan approval under these circumstances now knowing what it is going to be and with the proviso that there be no C.O.'s issued until the condominium documents have been approved by the Town attorney.

Mr. Scheible: The vote that we had at that meeting April 8 since the vote was case for a rental unit is that a null and void vote as it stands now?

Mr. Rones: Whether it is null or void I don't think we'd be doing anything by a redundancy and to make the record clear it would be appropriate to vote again and as I said with the proviso that C.O. not be issued until condominium documents have been reviewed and approved by the attorney for the Town.

Mr. Loeb: I have to give them to him before the attorney general has approved them what I did do is submit them before so we have a copy and submit after so that the Town would have a copy.

Mr. Mc Carville: Wasn't there a vote subject to an adjustment in the width of the road and it had to be reflected on the map?

Mr. Van Leeuwen: "That the Town of New Windsor Planning Board give final approval to Windshire Condominium Project Site Plan. Seconded by Mr. Jones and approved by the Board.

Roll Call:	MR. JONES	AYE
	MR. REYNS	AYE
	MR. VAN LEEUWEN	AYE
	MR. MC CARVILLE	AYE
	MR. LANDER	AYE
	MR. SCHEIBLE	AYE
	MR. SCHIEFER	AYE

FRANK PIETRZAK SITE PLAN (87-14)

Mr. Alan Axelrod came before the Board representing this proposal.

Mr. Axelrod: I am an attorney with Greenblatt and Axelrod and I am here on behalf of Elaine Pietrzak owner of property at 7 Steel Road. The property in question is a parcel right behind the Rider law office off Route 207 on Steel Road. Mrs. Pietrzak was before this Board four years ago on two matters number

9/9/87

this property. I am please to see it in here and it was going to be developed sooner or later and I'd much rather see a professional use for the property than a car wash or many other possibilities that could happen here. We are looking for a use that is not going to create a tremendous amount of traffic there. I'd personally be interested when you come back with a detailed landscaping and the whole nine yards. It is a very highly visible section in the Town of New Windsor.

Mr. Scheible: Does Mr. Pizzo own it?

Mr. Kennedy: Yes, he bought it about a year ago.

Mr. Jones: That billboard wasn't allowed there any way.

Mr. Mc Carville: To further emphasize my concern we had a situation that I think you are aware of where an office building came in and wound up with being a metal shed.

Mr. Kennedy: He has a design drawn up now.

Mr. Rones: Could a cover letter go with the denial to the Zoning Board so they have some sense of what the druthers of the Planning Board are.

Mr. Van Leeuwen: I have no problem.

Mr. Scheible: We are all in approval of putting an office type of structure or commercial/professional structure.

Mr. Mc Carville: With a high degree of scoping on the limitations on it everything as far as what type use professional office of whatever.

Mr. Kennedy: Thank you.

#### WINDSHIRE PROJECT

Mr. Don Fullam came before the Board.

Mr. Fullam: I'd like to thank the Board for this opportunity what we are considering here is modification of the structures to be constructed on this site. What you see before you is the approved site plan as it exists now. We'd like to change the footprint of the building. There is no change in the alignment of the roadways, there is the same amount of parking same number of hydrants, same street sign, same access road, same everything. The only thing that changes is the footprint of the existing dwelling. We'd like the Board to consider this change as an amendment to an existing site plan. This is one of the proposals I showed the original one as you can see the road is in exactly the same position there is no changes these are changed, the units are substantially larger with two bedroom or three bedroom with a garage we will provide the two spaces per unit that you requested but by providing garages we have been able to reduce the number of parking slots within the area as you can see from this particular site we were able to eliminate a large parking area in the middle by eliminating that we can leave a much larger contiguous area of greenery within the area.

Mr. Mc Carville: The only thing I see providing that garage is 80 percent of the time the garage is filled with sporting equipment and the car sits outside anyway.

Mr. Fullam: That is possible the apron that will be provided will be 15 feet.

Mr. Van Leeuwen: Two cars in other words.

Mr. Fullam: No, one car because we are counting the garage as one parking space and in addition providing an additional parking space on for each unit in the vicinity itself. There is a group of parking already a group here parking here as close as we can get to the building. If an individual choses to use the garage for storage they are going to have to park on the apron if they don't they will park in the garage and we still provide additional parking space for that particular unit.

Mr. Mc Carville: They have the open space to park in the spaces, if they have sporting equipment in the garage and they have another car in the driveway and it is raining and they want to unload groceries they are going to park right in front of the unit and block traffic.

Mr. Fullam: The same comment that would apply to the approved site plan maybe that is one of the reasons why the road is now 34 feet wide. So that if these things do happen rather than a parking problem what you are talking about is a stopping situation where you park or stop the vehicle in front of the unit in the rain, take the groceries out and then go put it someplace. A stopping situation rather than parking situation.

Mr. Mc Carville: Each of the buildings relocated from the original plan?

Mr. Fullam: Yes.

Mr. Mc Carville: Bigger and not in the fixed position.

Mr. Fullam: The road is in the same location we had units in the middle we had units here and we had units up here and what we have done is placed units in the middle and around the same road and same location still have units here and still have units here. We have added units over here.

Mr. Van Leeuwen: Is that a wet area?

Mr. Fullam: Yes, this is a designated wet lands and this particular line here these small dots is the hundred foot set back line so we will not be within the hundred foot set back which would require a permit. We will just have to make it. This plan does require 1 change the existing sewer line comes down here and crosses over here and then back up. What we propose to do with that plan is to relocate the sewer line instead of having it in a loop we are just constructing new manhole here and an existing line. This is the existing manhole we will install a new sewer line here provide an additional manhole because of the span so that is the one change in this particular plan, the number of units remains the same, 44 outside parking 44, 44 garages.

Mr. Scheible: Which side of the street would you rather put the sidewalks on the inside or the outside.

Mr. Fullam: The original plan called for the inside.

Mr. Scheille: That would loop around on the inside ok so you have to keep that--

Mr. Fullam: We have problems with that however we have attempted to make the fewest possible changes in the site plan for two reasons, it takes time to redesign and we are attempting to get you to agree that this is certainly not a major change it is not a site plan revision per say but it would more likely be considered an amendment to a site plan.

Mr. Mc Carville: Is that including the garage?

Mr. Fullam: Two hundred and some odd square feet.

Mr. Van Leeuwen: I like the idea of garages.

Mr. Fullam: These particular units the design is such that they are interchangeable, the outsides are the same each unit, but they can either be a two bedroom with a cathedral ceiling and balcony or three bedrooms upstairs.

Mr. Van Leeuwen: You are going to use the garage for bedroom in other words?

Mr. Fullam: No. The garage will be in there. You have a garage, kitchen, dining room, living room, upstairs three bedrooms and bath.

Mr. Mc Carville: On the easterly corner there, what is the distance on the lower unit from the corner of the lot run straight down right there.

Mr. Fullam: Probably 15 feet.

Mr. Van Leeuwen: I have no problem with it I'd like to see and I concur with Dan I'd like to see you put a few more parking spaces just in case and I will say one thing just in case somebody buys one of those units and says we are going to close the garage off and make another bedroom where are we going to put the other cars and that will happen.

Mr. Fullam: Can you give me some guidance.

Mr. Van Leeuwen: You see the little jog how about giving some parking places in there.

Mr. Fullam: The idea I had for this and I believe we discussed it was a three car garage for the maintenance equipment, the lawn mowers, etc.

Mr. Van Leeuwen: Why don't you put it back and put a couple parking spaces along the side, how keep is that?

Mr. Fullam: The grade drops off pretty good. It is a little over 100 feet.

Mr. Van Leeuwen: I'd like to see another 15.

Mr. Fullam: I don't know.

Mr. Van Leeuwen: It is a very tight layout and I know what people are going to do they are going to take the garage and make a bedroom.

Mr. Fullam: I can do the 15 there is no problem with that.

Mr. Scheible: I'd like to get a consensus of the Board whether to retain the old unit as we approved or should we go further on and change to something like this.

Mr. Jones: Well something like this gets a lot of traffic off the road if they use the drives and garages which is what we are trying to do. Something like that I could buy.

Mr. Rones: We need to have a note keeping with that that we are getting traffic off the street that the garages cannot be converted to living space that be a note on the map and put that restriction here in the condo declaration.

Mr. Van Leeuwen: I'd still like to see the extra parking spaces.

Mr. Reynolds: I think it is an improvement over the old with the garages. Are we taking the sidewalk all the way around any exits that that is going to?

Mr. Scheible: The sidewalks should loop all the way around and right on out to 94 for just like I said in the previous development for public transportation being let off here so they have a way of walking in.

Mr. Reynolds: That is for public safety because you don't want people walking down the middle of the street going to the apartments. You need a thoroughfare.

Mr. Mc Carville: Just one point I agree with Henry I'd like to see additional parking and I'd like to see that the signs are posted no parking along the roadways.

Mr. Fullam: That is in the approved, this is sheet one of six sheets and Mark and I spent a lot of time and we have the parking spots and we have two or three different details about no parking or loading.

Mr. Mc Carville: Is that in there?

Mr. Fullam: Yes, sheet number six with the lighting plans.

Mr. Reynolds: This would not change the flow of traffic the only thing is the footprint of the housing.

Mr. Fullam: Footprint of the building.

Mr. Reynolds: As far as the note changing anything--

Mr. Fullam: This road has not been modified in any way as to its horizontal or vertical line.

Mr. Van Leeuwen: I think it is an improvement.

Mr. Schiefer: I think the garage is an improvement and the comment they can't convert to living space and try to get a few more parking spaces it is a little better than the original.

Mr. Landers: I have no problem with that. I like the green area in the middle.

Mr. Scheible: I think it is going to be an improvement.

Mr. Reyns: Has this been discussed with the fire department?

Mr. Fullam: I have to get something from the Planning Board first do you consider this an amendment and if you consider it an amendment it considerably shortens the time that would be required for construction.

Mr. Reyns: I thought you might discuss that with them before you brought the plan in.

Mr. Fullam: No, I haven't but I certainly will because where he had spotted the fire hydrants he wants me to move them.

Mr. Scheible: Is the board in agreement to consider this as an amendment to the original plan or do you feel we should put him at the bottom of the heap.

Mr. Van Leeuwen: I think we can consider him as long as we abide by what we asked.

Mr. Scheible: Should we consider this an amendment type?

Mr. Jones: Yes.

Mr. Reyns: Yes.

Mr. Scheible: Submit your new plan. You are going to bring a new set of plans for review before it goes on to any of the agencies.

Mr. Van Leeuwen: I want to see the garage the three car garage, I want to see it on the map a little statement on the map that is not going to be living quarters.

Mr. Mc Carville: He means the three car garage.

#### MT. ELLIS SITE PLAN

Mr. Scheible: Since these maps were only delivered today they can only be considered a review there can't be any decision made here this evening. Before we start with the site plan for Mt. Ellis the most important issue here is the subdivision which obviously would take precedence, the subdivision of lands of Gateway Enterprises Park owned by Helmar-Cronin. He is here tonight. What I want Mr. Helmar to do is explain the subdivision situation what the County is asking him to do what the immediate plans are as far as the development of the park. Since he has completed then I'd like to discuss specifically Mt. Ellis and the site plan. Tonight is a review but I figures this is the only way we are going to get this with the communication for a future meeting where some more serious action will be taken. I think at this time it is important we discuss the subdivision and potential of preliminary site plan approval in the future.

Mr. Helmar: We were in here and got approval on the Gateway Distribution building which we are building now with the understanding that we are going to



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MR. SCHIEFER	AYE
MR. MC CARVILLE	AYE
MR. JONES	AYE
MR. LANDER	AYE
MR. SCHEIBLE	AYE

WINDSHIRE AMENDED SITE PLAN (87-72)

Mr. Don Fullam came before the Board representing this proposal.

Mr. Fullam: The last time I was here with this amendment there was some comments made everybody got these maps, they are dated 11/8/. They were submitted on 11/9. Briefly some of the comments that were made from the last meeting was that the garages may not be converted to living space in the lower left corner note number 4 that has been added. Sidewalks around the interior. Sidewalks have been added around the interior perimeter on both sides of the entrance road requested. The storage area was requested that we show it and we have which will be used by the maintenance people for the condo.

Mr. Van Leeuwen: You didn't show the side yard distances. It is 36 foot wide.

Mr. Fullam: We will make it smaller.

Mr. Van Leeuwen: If you show th distances it would make life easier. You need 45 feet.

Mr. Schiefer: You have 39.

Mr. Van Leeuwen: What is the side yard 15 and 20 or 15 and 15.

Mr. Fullam: Whatever it is we will meet it.

Mr. Mc Carville: These streets are going to be privately maintained correct?

Mr. Fullam: Correct.

Mr. Mc Carville: I am having a hard time determining where the streets are this is going to be blacktopped here, are these the garages?

Mr. Fullam: Yes. The protrusion is the garage, the is blacktop drive coming out to the street. Each has it's own blacktopped driveway.

Mr. Scheible: The sidewalk is going on one side?

Mr. Fullam: That is what Board asked for.

Mr. Rones: What is the width of the sidewalk?

Mr. Fullam: Four feet concrete sidewalk.

Mr. Babcock: It is 0/35 if provided for the sideyards.

Mr. Fullam: Is that in a residential zone?

Mr. Babcock: R5 zone.

Mr. Fullam: I don't think...

Mr. Edsall: That is for multiple family.

Mr. Babcock: I think he should indicate where he is going to declare his sideyards and rear yards and what he is declaring his front yard. All the way around.

Mr. Rones: People who buy these condos like to put up patios, little decks, little whatever.

Mr. Fullam: Some units they will be allowed, others they won't be allowed to.

Mr. Rones: There is going to have to be some indication of what the restrictions are going to be.

Mr. Fullam: They would have to get permission from DEC to install a deck within the hundred foot buffer zone which would not be a problem to get just some paperwork done.

Mr. Rones: But we are going to have to see something either by way of the proposed declarations that are going to be filed or something on the map in order to make it clear so that we know and so that perspective purchasers know that they are not going to be able to build in here.

Mr. Fullam: One of the principals is here Mr. Manny Tettlebaum or an associate with the principals working on this project and it is his statement that he will present the condo agreement and it will address those particular points in question.

At what stage is the drafting of those I remember a few months ago it was Mr. Loeb was working on them.

Mr. Tettlebaum: He is working primarily to get approval once we get approval we can submit the architectural drawings and once we got this he can submit the plan to the attorney.

Mr. Fullam: That is no league I don't do the lawyer stuff.

Mr. Rones: Someone is going coming in here saying we don't know if we can build here.

Mr. Fullam: That is between Mr. Rones and Mr. Loeb to include these things and I am sure that the client would not have problem with stating within the agreement. So far as I am concerned based on the comments that were made at the last meeting they have all been addressed on this site plan, amended site plan.

Mr. Rones: Are there more or less units?

Mr. Fullam: The same. Are we moving to the engineer's comments now or do we want to wait until the Board gets done.

Mr. Rones: I didn't know we were following any particular order.

Mr. Fullam: I had addressed all the items that the Board had brought up at the last time hopefully to your satisfaction by adding the sidewalks, showing the garage and the notes that they may not be converted. The garages may not be converted to living spaces, these are the items you brought up. Now as to the town engineer's comments.

Mr. Edsall: Prior to Mr. Fullam's letting the Board know about any comments I want to have a little input on these comments. They are restricted in the fact that the footprint of the entire plan has changed. The review that I made has to be in the future and includes his compliances with the zoning regulations as far as the setbacks and so on. I was looking at this point for the Board's input since this is the first opportunity we have had a plan to review that's been revised and it is significantly changed. I am looking for the Board's input as to if a full review of this layout is appropriate or if there is changes the Board wants. There is significant changes such as relocation of a town sewer line which this Board nor myself or no one but the Town Board can authorize, there is an existing easement proposed to be moved and existing sewer line proposed to be moved which we have no jurisdiction over. The sewer line on the previous plan was shown as staying right where it was. On this plan they are proposing to move an existing town sewer with an existing easement.

Mr. Mc Carville: He mentioned that before.

Mr. Edsall: My comments are restricted purely to initial things I'd like the Board to look at so I can do what you tell me is appropriate.

Mr. Scheible: Well taken Mark.

Mr. Fullam: In essence to keep this amendment as insignificant as we were able to while making these substantial changes in the sizes of the units. We have not changed the road the configuration or grading or the location of the units in this particular area. The recreations area, etc. we have rearranged the unit within the interior circle and we have added units on this end over here. In order to accomplish this at the last board meeting I brought forth some proposal sketch plans a sketch plan B and the Board indicated at that time that they were pleased with the particular sketch plan which indicated that the sewer line would be relocated. On that premise and I believe it was Mr. Lander who said well it looks like you are going to have more green area in the middle anyway on that premise we have proceeded. The easement was granted by the current owners to the town for the installation of the sewer line. I am sure the current owners who are still the owners would have no difficulty in granting a new easement to encompass a relocation of the sewer line. The applicant also intends to relocate the sewer at his cost not the town.

Mr. Van Leeuwen: But we have no control over the town sewer lines.

Mr. Fullam: I am just stating the applicant's position in no way wishes to cause any cost to the town. Perhaps I myself read Mark's comments where it said by the Town I think. But it was not by the Town it will be done for the convenience of the applicant and at the applicant's expense to relocate the sewer lines.

Mr. Roncs: Mark your comment that there are different finished surfaces.

Mr. Edsall: The entire cross road that is used to connect midway through the property to serve the units is deleted. So the road configuration although the loop is the same there is one less cross street which may mean there is less access from different avenues let's put it that way. I am saying the plan I would say that the orientation of the units is over 50 percent changed from the plan that was approved. The external loop is the same but an entire roadway has been deleted. There is a spacing between units that is much lesser. The maximum runoff a unit means how many units are in one building is increased now there are some longer units. Prior to me spending this gentlemen's money in reviewing the plan I need to know what the Board thinks of this as being an amendment or separate plan or how the Board is going to approach it. To me the same property with at least 50 or 60 percent difference in layout. About the only thing that is the same is the external roadway. I have no problem.

Mr. Fullam: It was my understanding at the last board meeting that the Planning Board did accept this as an amended site plan subject to some modifications that they wanted. Am I misunderstanding that?

Mr. Scheible: Is this the map you showed to us when we decided on this?

Mr. Edsall: There is no section I am aware of in the Town ordinance that allows 1 1/2 spaces, it indicates residential units two spaces but it does allow for the parking spaces within the building as counting for parking spaces. So the garages would count. I am not aware of 1 1/2 spaces in New Windsor Ordinance.

Mr. Fullam: That was given to me very early on. In any case what we are giving you now we have up to two and a quarter maximum which is more than enough.

Mr. Van Leeuwen: The reason why I suggested 1 1/2 is if the people put junk in the garage then they would only have one parking space.

Mr. Scheible: Has a copy been sent to the Fire Prevention Bureau because we didn't get a return from the Fire Prevention Bureau.

Mr. Edsall: The plans didn't go to the fire prevention bureau until the first time they reviewed it which is tonight.

Mr. Babcock: According to the multiple residencey law it says parking areas, areas which may be computed as open spaces include off street parking spaces including any private garage carport or any other available area for parking other than streets or driveways. It says a garage is included in the parking spaces. If he supplies a two car garage with a unit he meets the standards.

Mr. Scheible: So he is above the standard.

Mr. Van Leeuwen: I suggest that Don gets together with our engineer and the building inspector and straighten this stuff out and come back to us.

Mr. Scheible: After this meeting this copy will be sent to the Fire Prevention Bureau.

Mr. Fullam: One of the problems is we keep coming back to the same age old question meeting after meeting. How many parking spaces and should we count them and they are going to put boats in the driveways. People may if it is a private home in a condo situation they may not be permitted to leave boats in a

driveway. You operate under certain restrictions which are in a condo situation you can't do the same thing you can do in a private home. In a private home if you want to put six cars if they have plates nothing can be done about it. All this is these are permitted in a private road when a subdivision comes in do we object to it because someday somebody might park a boat on a driveway. We don't address that. We haven't in the experience I have been before this Board. I am trying to put this in context about where we are going here where we are going here I know this is a new concept.

Mr. Ronces: All they are saying is that they suggest that rather than take up the Board's meeting time some of these details or questions that the engineer has that have been brought up that you work these out with the engineer and the buiding inspector to try to arrive at some kind of concensus then come back to a future meeting in the near future and hopefully those point scan be resolved.

Mr. Fullam: One of the requests I was going to make of the Board is to allow the Town engineer to work with me on this thing. We have worked out all the sewer, grades, drains all the storm drains I'd like to be able to give him the plans directly. We have shown all the fire hydrants, the same general areas given to the inspector and get everybody's clear answer. I know he is not allowed to operate in this area without your permission.

Mr. Ronces: As far as the distances between the buildings on one hand you are saying eliminate parking spaces but another solution would be eliminate a unit.

Mr. Fullam: I am at a loss at this point in time are we going to follow the ordinance and provide the required number of parking spaces or...

Mr. Mc Carville: I think the Board agrees there are the required number of parking spaces.

Mr. Fullam: I am talking about the ordinance if I am going to be required to meet the ordinance then I am not going to have any problems with separation of the buildings because what we are providing as far as I am concerned is far above what the ordinance requires.

Mr. Mc Carville: In distance between the building.

Mr. Fullam: In the number of parking spaces.

Mr. Van Leeuwen: If you have a problem here put some spaces here.

Mr. Fullam: That is ok.

Mr. Van Leeuwen: And that would suffice our parking space.

Mr. Fullam: The condo association may say if you have a boat put it here I don't know I don't think these are questions we should be addressing. What this guy who may or may not own a boat will do.

Mr. Scheible: I would suggest that you get together with Mr. Edsall and clarify this problem. I think there seems to be a problem the Board feels there is going to be a major problem with the distance between the units either eliminate a unit or shift the building over. That is your choice.

Mr. Fullam: Will we leave it to the Town engineer and building inspector to make a determination as to the parking we require? We are going to be right back where we are.

Mr. Mc Carville: We are all happy with the parking.

Mr. Fullam: But in order to increase the space I have to reduce some of the extra parking spaces.

Mr. Rones: Or you can eliminate that building.

Mr. Van Leeuwen: I make a motion we authorize the Town engineer to look at this and the building inspector to get together and have a reasonable layout.

Mr. Jones: Are we going to accept the relocated sewer line.

Mr. Rones: That has to be by the Town Board. It wouldnt be a bad idea to be approved by the Town Board before because if the Town Board is not going to go along with that we are wasting our time.

Mr. Edsall: Can the Board possibly request that Mr. Fullam go to the Town Board and request that, I am sure they will get back to me and ask myself and Dick what our opinion is.

Mr. Scheible: That would clear a lot of problems up there.

Mr. Edsall Lets get their determination.

Mr. Rones: Just back on the parking question, it is the Board's determination that the amount of parking presently shown or provided for on this plan is the amount of parking that they are going to require that is desirable because if the developer knows that then he can figure out whether he can slide the building around a little bit or if it is necessary to cut back on some of the units.

Mr. Scheible: The only problem that the Board feels only this one so far as the two units being too close here between 27 and 28, are there any other units?

Mr. Schiefer: There is some other units.

Mr. Scheible: Now we have 98 spaces provided including the garages.

Mr. Fullam: So that is 1 space per unit plus ten left over plus the one garage is two per unit plus ten left over.

Mr. Rones: That is not a lot.

Mr. Fullam: I realize the problems you are having with condos and I think you have resolved that particular problem by requiring 34 foot wide road. That is the purpose of the 34 foot wide road, a three lane super highway. That is wider than 84 that is some road you are building there. So if we park cars on one side all around we have detail sheets here no parking any time absolutely forever never, never and we are going to give the police chief we have agreed to give the police department the right to come in and ticket the vehicles. We have done all of these things we have done everything. We have done it all. You

have authorized the Town engineer and building inspector to work with me on the technical details and we are going to talk to the New York State construction manual people on the separation of buildings law authorizing him to, when he does his other hat to make a determination as to what the parking requirements are.

Mr. Roncs: That is the question that I asked before and I think I got an answer, does the Planning Board want to see the number of, the amount of parking that you have here maintained so you are going to have to move. The reason I asked that question was so he won't be wasting time in your effort with Mr. Edsall.

Mr. Fullam: We are willing to install and show parking over and above what the ordinance requires. If however if doing so we have to lose units the pound of flesh I don't think is proportionate.

Mr. Roncs: We don't know whether you have to lose units or not that is something you have to go back to the drawing board and decide whether that is the case.

Mr. Fullam: The problem is when I sit with the building inspector and Town engineer with regard to the New York State Building Code we come to a choice of either eliminating two units or be eliminating two parking spaces which in fact are over and above what the ordinance requires. I would like them to have the freedom to say proceed with the two parking spaces less.

Mr. Van Leeuwen: They are not the boss.

Mr. Fullam: We are going to be back where we started from.

Mr. Edsall: Can you petition any other comments on the layout does the Board find the layout acceptable?

Mr. Scheible: I have no problem with the layout.

Mr. Edsall: Second thing if I can pass on to the Board this is a comment regarding phase 1 and phase 2 which in my research it appears that this phasing concept came in some place mid way which the former plan was being required it is not referred in the EAF form and evidently it was decided upon somewhere along the way. I was in the understanding the impression that this additional access was going to be not part of the initial construction. I would question if the Board agrees with the road being constructed as a separate phase the second access or not.

Mr. Fullam: That was not our intent. Our intent was the grading for these particular structures were very close to encroachment on the 100 foot buffer and if we found out we may be encroaching with fill that we would delete these until such time as we get a permit.

Mr. Edsall: Then I would suggest that they require the phasing line be changed so that the road and recreation facility are not part of the phase 2 since Mike Babcock informs me that the Town ordinance does not allow recreational equipment to not go in at a separate time than the units are put in.

Mr. Van Leeuwen: I made a motion to have Mr. Fullam sit down with the building

inspector and our engineer to get these things straightened away and get the sewer line problem straightened and we will look at this then again.

Mr. Fullam: You want me to petition the Town Board correct?

Mr. Scheible: Correct.

Mr. Schiefer: I will second that motion.

Mr. Fullam: Based on the sewer situation I think Mark has the sheets with the grades on and it is going to take him a half hour or so to review them, would it be permissible for him to review them so when I do go to the Town Board I have something that was yes, Mark has looked at them. That is the first question they will ask is is that going to work.

MR. VAN LEEUWEN	AYE
MR. SCHIEFER	AYE
MR. MC CARVILLE	AYE
MR. JONES	AYE
MR. LANDER	AYE
MR. SCHEIBLE	AYE

Mr. Edsall: Based on the way the multiple family section of the ordinance is written prior to the final submission a public hearing is required for any site development plan or amendment of it so a public hearing will be required so you might think about scheduling that now.

Mr. Scheible: I don't want to schedule it now. We know it is a must.

Mr. Edsall: Just so we don't surprise him later.

Mr. Scheible: By the time he goes to the Town Board prodecure and your problems are taken care of that might take quite a while.

Mr. Fullam: Thank you.

#### KULLBERG MINOR SUBDIVISION (87-54)

Mr. Karl Kullberg came before the Board.

Mr. Ronas: So these lots are below the minimum lot area requirements.

Mr. Kullberg: It was a matter of timing, I have been working out of state for six years when I come home for weekends I am not going to look at the notice in the paper, prior to the rezoning I would have had no problem in getting this subdivision. It is a matter of timing.

Mr. Scheible: This is a sub-standard lot. How many other houses?

Mr. Van Leeuwen: No water?

Mr. Kullberg: No water.

Mr. Scheible: Is Ash Street maintained by the Town?



5/25/88

MR. JONES	AYE
MR. PAGANO	AYE
MR. VAN LEEUWEN	AYE
MR. MC CARVILLE	AYE
MR. SCHIEFER	AYE
MR. SCHEIBLE	AYE

WINDSHIRE AMENDED SITE PLAN (87-72)

Mr. Patrick Kennedy came before the Board representing this proposal.

Mr. Van Leeuwen: Did you get the comments?

Mr. Kennedy: No, I didn't.

Mr. Van Leeuwen: I will give them to you so we can move along.

Mr. Kennedy: Basically, the reason for the new site plans, this is the existing approved one right here. After it was approved by the Board, the new partner was taken in on the project and he didn't like the layout. He didn't like the size of the building and what we are proposing is a much different structure which is the building themselves lay out a lot better. We have two less units than what was approved before. All the units will have individual driveways and garages. With the garage and driveway now, we have a tremendous amount of parking as opposed to what we had before. We moved the recreational area to the center rather than way off at the end of the site as it was before.

Mr. Jones: You are partially into the wet lands too.

Mr. Kennedy: We used the same limit as what was shown on the plan before.

Mr. Jones: Shows here it is in the wet lands.

Mr. Scheible: 49, 41 and 42.

Mr. Mc Carville: They are not in the wet lands.

Mr. Kennedy: We used the same limits as what was approved before this was the edge of what was indicated, the circles are what was used for the limits of that wet lands of the buildable area. Before we showed it on ours as dotted lines and we are staying away from the line as they did before.

Mr. Schiefer: That is the buffer not the wet lands. Where is the stuff that was in here, the playground.

Mr. Kennedy: We moved everything into the middle of the site which is going to be a lot better for security. We opened this up, the whole middle of the site here.

Mr. Scheible: Does this, and I know I am going to bring up the same subject I brought up before, does this fall in a sewer district, this one now that is the same area. Is this within a sewer district. Would that be 9 coming down 94.

Mr. Babcock: They got an easement right through the property.

Mr. Van Leeuwen: They are not in the sewer district, they can't build unless we get permission from the Town Board. I think what we ought to do I gave him the comments, we ought to table this until we find out if it is in the sewer district or not.

Mr. Scheible: Did Mrs. Marcus sell out.

Mr. Van Leeuwen: No, she is still living there, last I knew.

Mr. Kennedy: I didn't represent this before. With the original proposal, this was never brought up before.

Mr. Scheible: No, but there is always a time to bring it up.

Mr. Kennedy: I understand your questions.

Mr. Scheible: This area down in there, there seems to be a question on whether they belong to a sewer district or not. Not only this project but a neighboring project.

Mr. Kennedy: I can't say whether or not if you are talking about Fox Wood in the back.

Mr. Scheible: Yes.

Mr. Kennedy: Fox Wood was one big large vacant land. It may have been left out of the district. This was occupied land with houses. If they were there, they would have had to be served if they were, they would have had to have been in the district.

Mr. Scheible: These are questions we have to address whether they belong to a sewer district or not because you have a saturated area here and it is going to get more saturated with these two projects coming in here.

Mr. Van Leeuwen: I think we ought to table this until we check it out to see if it is in the sewer district.

Mr. Kennedy: Who will be checking on that.

Mr. Edsall: I will check with the Assessor.

Mr. Scheible: That is not the only comment.

Mr. Kennedy: I realize that.

Mr. Edsall: You may want to waive the 45 days because the application first came in in November.

Mr. Scheible: Pat, do you agree?

Mr. Kennedy: Yes.

Mr. Edsall: You might want to get a new proxy statement. Mr. Fullam is still representing him according to the file.

Mr. Kennedy: Okay.

WINDSOR COUNSELING GROUP SITE PLAN (87-53)

Mr. Jerry Zimmerman came before the Board representing this proposal.

Mr. Zimmerman: We appeared before your Board in November of '87 with the site plan for the Windsor Counseling Group. The property is located off of Route 94 adjacent to property owned by Dr. Benninger. It has frontage or has its access off of a private road. The property itself, or the building itself is an existing building which serves a private business called Windsor Counseling Group and the purpose of our presentation tonight is to obtain site plan approval from this Board. When we discussed the matter back in November of '87, I presented or had given the Board some background and history as to the circumstances leading us to this point. Basically, the Windsor Counseling Group has occupied this building for approximately two and a half to three years and the original problem that existed here was concern over the zoning line which we had worked through with the Zoning Board of Appeals. Then through the Court system had a decision that this property is in fact zoned commercial to continue the process and to obtain site plan approval and obtain a C.O. for a commercial use. We are at this point today seeking site plan approval. Basically, that is where we are today with this.

Mr. Pagano: I have a question. Isn't the Zoning Board appealing the decision.

Mr. Zimmerman: Well, when we were here in November of '87, approximately six months ago, Mr. Rones had indicated that that was a possibility. However, we haven't heard anything since that time and if I am not mistaken, we have our attorney present who represented the Windsor Counseling Group through the Zoning Board and through his advice, he is recommending that we now come back before the Board.

Mr. Rones: The appeal has not actually been dismissed. However, due to an administrative error, the briefs were not submitted to the printer for printing and filing with the Appellate Division. More than a year has gone by since the decision of the local Supreme Court against the Zoning Board and due to the passage of time, due to the one year time period going by it is not likely that the Appellate Division will enlarge the time to submit the appeal. However, the motion will be made and should probably be determined within the next six weeks as to whether the time perfect the appeal would be enlarged by the Appellate Division. But, at this point, due to the amount of time that has gone by and the pressure that they have had through the local justice court, it would be appropriate to get the site plan review process going.

Mr. Mc Carville: I notice on the plan that you have parking space number 8. First of all, you have 9 showing, 9 spaces provided. I see eight on here which includes the garage which I question whether someone is going to be able to park in the garage with someone parking in this handicap number 7. It doesn't look like it has adequate room to get into it.

Mr. Van Leeuwen: I don't see how you can use the garage for parking space. That is a first, that is the first I have seen that. That is a new one on me.

**WINDSHIRE - SITE PLAN (85-43) ROUTE 94**

Mr. Patrick Kennedy came before the Board representing this proposal.

Mr. Kennedy: We added all the landscaping that is the only change from what you have.

Mr. McCarville: Put an approval box on the plan.

Mr. Kennedy: The plan essentially was approved. We had some problems when we started layout here. There was some boundary problems, scaling problems, the building didn't fit exactly the way they were laid out on the plan. We have separated a couple of the buildings in order to make them fit properly. We had some problems with the DEC, the approved plan showed the buffer zone and they ended before the recreation area and that is how it was shown on the plan when it was originally submitted by Fullam because that road is going out to Erie wasn't part of the original submittal. When he started coming in with the water line, the DEC said you are in the buffer zone so we had to get some additional work. We are not in the wetlands, we are in the buffer zone so we are in the process of getting a wetlands permit. The first set of buildings here are up. The model is open, the landscaping is done around it. Mark said that we changed some of these parking near the entrance road, the original parking went very very close to the property line along 94. We eliminated 4 spots, brought the parking and did some screening of hemlocks just to breakup the view from 94.

Mr. McCarville: Where the real need for some landscaping is along this area here.

Mr. Kennedy: Along here is pretty heavily treated here.

Mr. McCarville: Up here.

Mr. Kennedy: Well, maybe not so much here but back along here is to a point where you get about here. I think we should put something here because this person's house here is way back here also and I spoke with that and I think I mentioned that to Mark when we were at the last time at the site.

Mr. VanLeeuwen: The first building they put up is absolutely junk.

Mr. Kennedy: When a couple of new partners were put in here, they agreed and they were going to try and get a whole different layout and we were informed at that time in order to do that and change the shape of the buildings and put in garages and put in a much nicer building, we'd have to go through the public hearings all over again and the developer was not about to do that.

Mr. McCarville: Getting back to the aesthetics of this thing, I could have sworn there was supposed to be brick fronts and variations on these buildings.

Mr. Kennedy: I think, I don't know if you had any.

Mr. McCarville: Can you have somebody research that whether there was the exterior elevations discussed?

Mr. Roncs: Get out the minutes.

Mr. VanLeeuwen: Before we do any more of this, research the records and find out what was actually said.

Mr. Schiefer: Mike has been asked to do that.

Mr. Kennedy: The new partner that I am dealing with is semi-concerned with this. On this plan, we have staggered some of the fronts and backs. He doesn't like the flat front look either.

Mr. Schiefer: No one is going to benefit more by changing the appearance than the developer.

Mr. Kennedy: That is why they wanted that changed in the beginning.

Mr. VanLeeuwen: Can you bring the two partners in, have them come before us and see if we can't iron out a few things?

Mr. Kennedy: Sure.

Mr. Schiefer: Our real concern is the aesthetics and I am sure it is theirs also.

Mr. Kennedy: What he is looking for right away, he has got his sub-base, he wants to continue with the road work which is not changing. At the request through Mark, we changed these parking lots and everything in here. He wants to know, he is looking to go ahead, can we work on the road?

Mr. Edsall: Backing up a minute--

Mr. McCarville: He took every tree off the lot.

Mr. Kennedy: That is another thing and I brought that to Mark, there has been projects in here where we have been asked for, to locate trees of certain caliber and size, none of those trees were shown on the approved plan and every one of those trees fell right in the middle of a building or a road. There was nothing that could be saved. He did not want to go and rip out those trees. He had a tremendous amount of work getting stumps. Every one of them fell inside of the building or in the middle of a road.

Mr. VanLeeuwen: I'd like to have a meeting with the developers and sit down and we can talk and see if we can't straighten out some of this.

Mr. McCarville: I'd even feel better if he took all the siding off

the damn building and put an earth tone, beige, something blue, a dark blue, it is about the ugliest damn yellow I have ever seen.

Mr. Kennedy: The basic layout, you have no problem?

Mr. Edsall: The one thing you may want to give approval of is the fact that the driveway entrance is being reduced to 30 foot. We have no control over that. They have coordinated the 30 foot and that makes a transition into a 34 foot loop and you may want to consider having them move or split the parking lot up near 94 so that they can get the landscaping plan to block a little bit of the view from 94.

Mr. Kennedy: The plan shows what we were talking about.

Mr. Soukup: Minor amendment to the site plan. I will move we grant minor amendment to the site plan indicating a 30 foot wide entrance at the vicinity of Route 94 splitting the parking lot on each side, each side of the entrance drive and screening and providing evergreen screening for each of the parking lots between the side parking lots and Route 94 as shown on the plan dated June 5th, 1989.

Mr. Ronces: No other amendments on the plan are being approved at this time.

Mr. Lander: I'll second that motion.

Mr. McCarville: I don't like splitting the parking lot. I don't like taking any action until we have taken closer look to see what can be done to aesthetically improve. Maybe we can eliminate all that parking.

Mr. Kennedy: We did that out of recommendation from the town here to do that.

Mr. McCarville: Is he just to the west of the current building, wouldn't it be possible to put the parking in there and reduce what is up front?

Mr. Kennedy: It didn't fit. This house is awful close to the property line and I don't think we'd want to see a parking lot in her backyard plus we have the hydrant that sits right there.

Mr. VanLeeuwen: We will meet there and give him a yes or no that night.

Mr. Schiefer: Does anyone have a problem meeting next Wednesday night here and looking at these three project. They are all fairly close to each other. They shouldn't take to long.

Mr. McCarville: No problem.

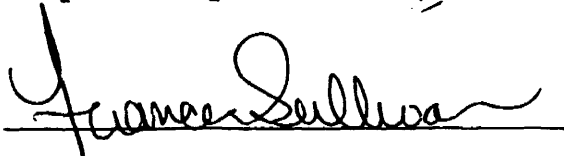
Mr. Schiefer: As far as giving a definite yes or no on the whole thing, I have some concerns. I think there is going to be further discussion.

Mr. Soukup: I will withdraw the motion.

Mr. Lander: I will withdraw the second.

Being that there was no further business to come before the Board a motion was made to adjourn the meeting by Mr. VanLeeuwen seconded by Mr. McCarville and approved by the Board.

Respectfully Submitted,

A handwritten signature in cursive script, reading "Frances Sullivan", is written over a horizontal line.

FRANCES SULLIVAN  
STENOGRAPHER

MEMORANDUM

Mr. Manny Teitelbaum came before the Board representing this proposal.

Mr. Schiefer: We have asked Windshire to come in because when we saw the beginning of this project, it was not the most appealing thing and Mr. Teitelbaum has already expressed his agreement and he has some proposals here and we'd kind of like to discuss his proposals and the idea.

Mr. VanLeeuwen: Manny, may I call you Manny to make it easier, when they first came in, they told us the front here were going to be brick. They were going to have porticos coming out then they wanted to come and put garages. They dropped that idea but originally the front were supposed to be brick and they were supposed to have little porches to dress it up because the way that looks, it looks like a barn.

Mr. Teitelbaum: We agree also. As far as I just want to, if I may, we actually, if you recall wanted to increase the size of the buildings and put garages and we were here for one year trying to get this but whatever the case, it didn't go. We actually ourselves after we got approval from you initiated the fact that we wanted to improve the site by making the building larger, several times, it didn't go so we decided it was time to start building. We agree they are small as a result we didn't have that much room, bring it out but we also agree that the present building is not the most pleasant so to the existing building, I understand one of you gentlemen suggested to provide shed roofs to dress it up but on the future buildings, we are going to box it out and put shed roofs. Since we are going to split the buildings, we are going to bring them out 3 feet so they will break up the look.

Mr. VanLeeuwen: How about running a porch all along the bottom and dressing it up?

Mr. Teitelbaum: If you notice on the newer site plan, what we are trying to do, those building, we are trying to bring them out here like two units together so they will look like individual units. This case, you won't need it, it is not a straight line on these.

Mr. VanLeeuwen: Stagger the porches on the existing building.

Mr. Teitelbaum: The existing building, we are going to put shed roofs. Are you suggesting to put a porch in front of it? It would lose to much.

Mr. VanLeeuwen: Why don't we, on that building, that existing building, let's have some windows on the side, okay, and let's run a porch.

Mr. Schiefer: Facing 94?



Mr. VanLeeuwen: Right.

Mr. Teitelbaum: If you do this, you don't give them any wall space because inside you have a window here and you've got an arch over here and you put a window here, you don't have any wall space in the living room and the same in the dining room. It is hard.

Mr. VanLeeuwen: I can accept that.

Mr. Schiefer: There are windows upstairs?

Mr. VanLeeuwen: Not on that side, there is no windows on that side at all.

Mr. Schiefer: Those are bedrooms?

Mr. Teitelbaum: Yes.

Mr. Schiefer: Maybe you can do it up there?

Mr. Matscherz: Who wants bedroom windows overlooking 94?

Mr. Soukup: Probably better off with a solid wall and soundproofing.

Mr. Teitelbaum: We are going to put trees along here right behind the parking area to break it up, this area is going to be landscaped nicely.

Mr. Pagano: You are going to need big trees.

Mr. Ronas: They have to do something because it screws up the marketability for the whole project for somebody to come in and see that.

Mr. Soukup: Put up trestles and vines and forget the trees, do yourself a favor. The trees aren't going to grow that close to the house.

Mr. VanLeeuwen: I'd like to do something with the back.

Mr. Teitelbaum: We are going to put patios, 8 by 10 and we are going to landscape the back also and in the front, we dressed it up, we put trees in front of the buildings. In the first unit, you approved the parking area, extend to here so we broke it up here and put the additional on the other side.

Mr. VanLeeuwen: We discussed that on the site.

Mr. Teitelbaum: Tonight we were going to think if we can reduce the road to 24 feet, now we put 23 feet in, 34 feet in here.

Mr. Schiefer: On a residential area, I don't see how you can get less than 30.

Mr. Teitelbaum: DOT didn't allow us only allowed us to make 30. We already put in the concrete or the curbs, if not, we would have liked to make this 30 feet but we didn't put the 30 feet in here but we'd like to make this stretch 30 feet.

Mr. VanLeeuwen: What are you going to give us in return?

Mr. Teitelbaum: You tell me what you want.

Mr. Schiefer: My number one concern is just as important to you as it is to us, make the first building which is your sales office more attractive. You are not going to get people in.

Mr. Teitelbaum: We are trying to get your approval. If you notice in the first unit, we had a limitation of 28 feet. I don't know who put it up there but--

Mr. VanLeeuwen: I'd like to see you put a porch all along, put porches along there, put a porch rail on there, make them 4, 5 feet wide so somebody can sit there.

Mr. Teitelbaum: A porch in front of these two units?

Mr. VanLeeuwen: All the units, a complete roof across, put a nice decorative rail with some nice posts, you make it look like something. It will help you as well as it will help us. Right now, it looks like a barn.

Mr. Teitelbaum: You want the shed roofs above the porches?

Mr. VanLeeuwen: Definitely but I want it across the whole building.

Mr. Teitelbaum: Across each building, 2, 2 and 2?

Mr. VanLeeuwen: At least 4 or 5 feet so when the rain comes down, people can sit there. Make it 5 or 6 feet, dress it up and it will help you as well as it will help us.

Mr. Teitelbaum: We will see what we can do on the side and--

Mr. Soukup: We agree you might not want to be able to put windows but try to do something else to break it up.

Mr. VanLeeuwen: We are getting an awful lot of complaints.

Mr. Soukup: It is the front of your project.

Mr. VanLeeuwen: Every member of this Board has had phone calls and everybody said hey, that is an eye-sore, we have to dress it up.

Mr. Schiefer: I have no doubt that it is impacting sales.

Mr. Rones: It has to.

Mr. Pagano: Can you get a professional decorator that can make a rendering to show us something like that? Our suggestions may be piecemeal but somebody that can balance this whole thing and make it attractive.

Mr. VanLeeuwen: Those are the landscape architects.

Mr. Teitelbaum: I think he did the landscaping in Plum Point, he is supposed to be a good man.

Mr. Rones: Not Don Mohler?

Mr. Teitelbaum: No.

Mr. VanLeeuwen: I think you should dress it up before you do anymore building.

Mr. Teitelbaum: What we'd like to do is this, since the plan is right now there we put the curbs in here, we didn't do the parking area of this because we wanted to make sure that you will give approval for this, we'd like to put the curbs in.

Mr. VanLeeuwen: I have no problem with that.

Mr. Teitelbaum: The other thing we'd like to do if you allow us to put the next foundation by making 28 feet, we'd like to be able to do that and the rest of it we will come back if you want us to show you renderings.

Mr. Pagano: I'd like to see the parking lot eliminated. That is your first viotile thing that you see is the parking lot. That is why I say you have to get a professional decorator, somebody who knows how to balance this whole thing, just that front section and every comment in such a way that it becomes pleasing. Aesthetics are involved and you can do one thing to one thing and you can balance something else and you are right back to where you started from. A professional decorator can do it right.

Mr. Teitelbaum: Did you say you wanted to eliminate the parking lot?

Mr. Pagano: That parking lot is, it is the other thing that this is what I am talking about.

Mr. Rones: The plan calls for some buffer and some planting here but it is not in there yet so it is just sticking out.

Mr. Pagano: I have to see rather than a piecemeal, hit and miss type of situation, I'd rather see a balance coordinated act put into this thing that starts from the curb of 94 right to these buildings. Then, we have something.

Mr. Rones: It is hard to believe that the Planning Board has to urge you to do this. I think from a marketing standpoint, you'd

want to put your best foot forward with it. First thing that people see from the highway is an expansive aluminum siding, isn't very appetizing.

Mr. Teitelbaum: We appreciate and you told me to come in. I said that we ourselves don't like it, okay, we are not satisfied with the way it is. We have wanted to improve the other building.

Mr. Schiefer: We have thrown out a bunch of suggestions, if you follow Mr. Pagano's suggestion, take some of these suggestions to someone, lay it out and start from there. You can't do everything. We have talked the hemlocks, trellises and--

Mr. Soukup: We have talked brick front, all of things aren't going to go.

Mr. VanLeeuwen: What I suggest you do is get a hold of a landscape architect, a good landscape man and lay this out or go ahead and do the first building as far as I'm concerned, do the first building. Let's see what it looks like then go on from there. We don't like what we have got there and I know you are not making sales there because Washington Green up here, he has sold out. It sold 4, 5 months ahead of time. The biggest thing is the landscaping.

Mr. Teitelbaum: The whole package is nice, landscaping, building and it is appealing.

Mr. VanLeeuwen: And yours looks terrible.

Mr. Teitelbaum: We will do what you said as far as this is concerned and we will bring you a landscaping rendering that will be to your satisfaction on both sides of the parking area but we'd still like to see if you'd allow us to put in the curbing, if you agree with the parking areas and to see if you allow us to do the building because this building is not that nice, we would like to put up another building in that area which will make it a lot nicer and make it larger also while making the marketing also easier.

Mr. VanLeeuwen: I think what I'd like to see done, dress that building up and then we take a look at it and then we will go over the rest of the project. We have a nice town, we want to keep it that way.

Mr. Schiefer: I am hearing opinions 50% of the Board say let's clean up what we have first before we go any further. The other comment my comment on the parking it is better than it was and would you like that made better yet?

Mr. VanLeeuwen: The roadway curbing is in.

Mr. Teitelbaum: We stop at the opening until tonight's discussion.

Mr. Soukup: It is a very tight site. The site plan has been approved based on the parking being required, you are going to need it for the units. Out of the two spaces--

Mr. Pagano: You have to get a professional, it is a balancing act. It needs professional help, not just nit-picking. As flakey as those people are, they can put something together, they can balance it out.

Mr. Schiefer: Don't go any further with the rest of it yet.

Mr. Pagano: I go along with Hank on this, what is the sense of putting more buildings up, we are just adding to the problem.

Mr. Rones: You don't know that until they are up.

Mr. VanLeeuwen: That is the trouble.

Mr. Rones: Maybe the new buildings will be different and improve the site.

Mr. VanLeeuwen: They promised us brick in the front and--

Mr. Teitelbaum: This was for the larger buildings.

Mr. VanLeeuwen: No, this is what Don Fullam told us. He said they are going to be nice, have porches, portico, brick faced in the front, they are going to have all these things. Now, we have it come straight down, there is no overhang or nothing.

Mr. Rones: We didn't get renderings.

Mr. VanLeeuwen: Yes, we did. He brought pictures, this is 5, 6, 7 years old.

Mr. Rones: That is not part of the site plan.

Mr. VanLeeuwen: I remember Fullam bringing that big card showing what the buildings were going to look like. They are no wheres near that. That is what I am saying.

Mr. Rones: You are not changing the unit count, just the arrangement.

Mr. Matscherz: Making some of the units 4 foot larger.

Mr. Teitelbaum: By bringing it out, you break it up nicely. Also, as I mentioned, you box out the windows, it is going to look very pleasing. I think putting up the building only will enhance the site because this doesn't look so well by putting one up, we are going to satisfy you, what you need by getting somebody to give a good rendering, this is only to do with landscaping, nothing to do with the building so--

Mr. VanLeeuwen: We'd like to see something done with the landscaping.

Mr. Pagano: I would like to give you more flexibility in the back,

help you get as much volume as you can, get out of this property and just get rid of those damn buildings up front, tear them down, let's start up the whole front again and state the square footage from the building and put it someplace else. That is the bone of contention. If you clean up the front and then you will find yourself with the flexibility in the back. That is my personal approach.

Mr. Teitelbaum: In today's market, I don't think we can afford to take these buildings down.

Mr. Schiefer: I think that is ideal, I'd love to see that but I don't think I can ask a man to do that. I'd love to see it. We are hanging up on now he has a site plan.

Mr. Soukup: He wants to do the parking and curbing and the paving for the parking lot and wants to do another building, want to give him either one?

Mr. VanLeeuwen: I have no problem with the parking. I do have a problem with the other building.

Mr. Teitelbaum: The parking is something that you requested, not we.

Mr. Soukup: Put in the curbing, put in the parking, do the landscaping, fix up whatever he can up to the first intersection in front of the three existing, three buildings.

Mr. Schiefer: How long will it take to get done what you are planning to do?

Mr. Teitelbaum: To bring in the rendering or implement it?

Mr. VanLeeuwen: Implement it, let's get it done.

Mr. Soukup: When you bring in a picture, we will bring in another building or if you do it--

Mr. Schiefer: Do everything you want up to here.

Mr. Soukup: Go as far as the first building with the paving and curbing.

Mr. Teitelbaum: We'd like to stake out the building, try to prepare.

Mr. Soukup: I don't think anybody wants to give you another building.

Mr. VanLeeuwen: I can't see that right now.

Mr. Matscherz: What about, how about just the configuration at least he can start on the footings. By the time he gets a rendering done, the footings will be done.

Mr. VanLeeuwen: He has to dress up the building, he can physically do it a hell of alot easier than the rendering.

Mr. Teitelbaum: I suggest the front porches.

Mr. VanLeeuwen: Yes.

Mr. Rones: And you want the ins and outs too, don't you?

Mr. Teitelbaum: On this building, you can't do it.

Mr. Schiefer: We are asking for porches, the decorative railings and some of the landscaping. Put a nice railing.

Mr. Rones: You don't need a little 8 foot tree out there, you need to make the investment to put a tree up right here, whatever you are going to do, you need it up, not something that is going to be looking good 5 years from now.

Mr. Schiefer: As soon as that is done, come on back to us. If we like it, we will go on.

Mr. VanLeeuwen: That is exactly the way I feel.

Mr. Schiefer: What he can do, do the landscaping, make the improvements on these buildings, whatever he decides but do not start construction on the buildings. If he wants to lay it out, I have no problem with that because he has already got approval but I hate to see something go in there that has to be torn down.

Mr. Teitelbaum: The rendering you have to tell me if you like the rendering or not, if you don't, if you do, we can guarantee that that is what we are going to do.

Mr. Schiefer: This is certainly an improvement.

Mr. VanLeeuwen: Are you going to put a different siding?

Mr. Teitelbaum: On this here?

Mr. VanLeeuwen: Yes.

Mr. Teitelbaum: Different color?

Mr. VanLeeuwen: I am talking about the front, maybe vertical siding, breaking it up.

Mr. Teitelbaum: By boxing it out, I think you break it up considerably.

Mr. Schiefer: Are you going to carry yellow color through?

Mr. Teitelbaum: I can go to white or gray.

Mr. Schiefer: Just a question.

Mr. Teitelbaum: I know we are going to do one of those six buildings, probably going to do white, one probably going to be gray to break up the color (A discussion was held off-record).

Mr. Schiefer: Manny, go ahead with the foundation.

Mr. VanLeeuwen: That is it, no further.

Mr. Schiefer: Please finish this up.

Mr. Teitelbaum: When I said I will do whatever you suggested as far as the porches, we will do it. I spoke to the landscaper, he suggested to put the July landscaping, it may be hard because it is not going to last long so it landscaping, we'd do a little later if you insist, we'd do it or we'd wait until September.

Mr. VanLeeuwen: Let's not wait until September.

Mr. Rones: That is a good time to do plantings. What is it exactly that he is being authorized to do?

Mr. VanLeeuwen: Driveway, parking lots.

Mr. Schiefer: Start foundation of this group.

Mr. Teitelbaum: But I can go to 32 feet?

Mr. Rones: Okay, so that is the revised plan now the building we are talking about, is this building here, this group, 1, 2, 3, 4, 5, 6 units? So, we will put a little circle around that.

Mr. Rones: I have marked one of the revised plans and dated it with today's date, 7-26-89 to show by my areas that are encircled, the permitted revisions to the site plan and the dimension change to the building in the revised area.

Mr. Teitelbaum: Thank you.



~~CONFIDENTIAL - SECURITY MATTER~~

Mr. Schiefer: Mr. Teitelbaum, the owner was in here and asked about what we really wanted and both Mr. VanLeeuwen and I spoke to him and said we really have no problem with the site plan. We have a problem with the improvements that you agreed to put down there and based on what we have seen to date, they are inadequate and he came through with--well, we are going to put a 5 foot wide porch, we are going to put a railing in front of it. I have a professional landscaper as you people recommended. He showed me a sketch not a plan of the proposed landscaping and Mr. VanLeeuwen questioned he said you knew that roof you are putting up is not adequate. He says, well I have no place to anchor it. I need some poles.

Mr. VanLeeuwen: He has got to come up from the ground.

Mr. Schiefer: If that is the case, put some footings.

Mr. VanLeeuwen: He want to put concrete slabs but no footings for poles. He is trying to save every stinking nickel he can.

Mr. Schiefer: We told him--

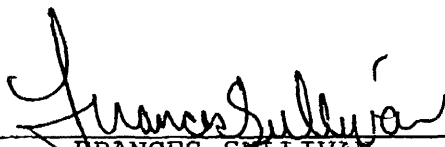
Mr. VanLeeuwen: The man gave us his word that he would do it the way we asked. He agreed to have the roofs across the whole front of the building. He agreed to the porches and that is the only way you are going to clean up that mess. We let him go on the side of the buildings then he went ahead and did it the way he wanted to do it.

Mr. Schiefer: The real issue is the width of the roof right now he is out about 2 feet.

Mr. VanLeeuwen: Eighteen (18) inches, that is what he had at the drawing we told him we would not go along with that. He sat here and understood everything I explained. I said do you understand and he said yes, I do.

Mr. Schiefer: I am just telling you why he is not here.

Being that there was no further business to come before the Board a motion was made to adjourn the meeting by Mr. VanLeeuwen seconded by Mr. Pagano and approved by the Board.

  
FRANCES SULLIVAN  
STENOGRAPHER

July 15, 1987

Mr. Henry Scheible  
Planning Board of New Windsor  
Municipal Bldg.  
New Windsor, N.Y.

Dear Mr. Scheible:

I am a partner in Windshire Estates Inc. and will be in charge of the development.

I am sure that you are familiar with the Windshire Development which has been approved by the Planning Board. However, since the original plan was approved, the partners have decided to upgrade the development by increasing the living area of the town houses to approx. 1600 square feet, as well as to incorporate garages with the units.

We have two plans. In one the number of town houses will be reduced to forty-one (from forty-four) and according to the engineer the changes will not compromise any of the Planning Board's requirements. In the other plan the number of town house would remain at forty-four but the sewer line would have to be moved with the Planning Board's permission.

In order to verify and discuss these changes I called Mr. Mark Edsall. He recommended that I write to you for permission to meet with him informally or to ask if you prefer that I have a preliminary meeting with you and/or him to discuss these changes. He also suggested that you might recommend that we go before the Planning Board without any prior meeting.

I would appreciate if you would indicate to me your preference. Your early reply will be greatly appreciated.

Respectfully yours,

WINDSHIRE ESTATES, INC.

MT:st  
cc: James R. Loeb

Manny Teitelbaum

WINDSHIRE ESTATES, INC.  
% M. Teitelbaum  
1525-49th Street  
Brooklyn, N.Y. 11219

9/13/89 @

RECEIVED

APR 22 1987

DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA, P.C.

ATTORNEYS & COUNSELLORS AT LAW

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JAMES R. LOEB  
RICHARD J. DRAKE  
STEVEN L. TARSHIS  
JOSEPH A. CATANIA, JR.  
RICHARD F. LIBERTH

873 UNION AVENUE  
POST OFFICE BOX 1479  
NEWBURGH, NEW YORK 12550  
TEL. (914) 564-6200

April 20, 1987

OF COUNSEL

DONALD H. MCCANN  
WILLIAM E. CRAIN, P.C.\*

\*MEMBER N.Y., MASS. & VT. BARS

McGOEY & HAUSER  
CONSULTING ENGINEERS, P.C.  
JOSEPH P. FOGARTY  
WALLACE H. MAHAN III\*\*  
KEITH B. ROSE  
JAMES J. CUPERO  
GLEN L. HELLER  
TODD A. KELSON  
RICHARD M. MAHON\*\*\*

\*\*MEMBER N.Y. & FLA. BARS  
\*\*\*MEMBER D.C. BAR ONLY

Joseph P. Ronces, Esq.  
Finkelstein, Kaplan, Levine, Gittelsohn & Tetenbaum  
436 Robinson Ave.  
Newburgh, N.Y. 12550

Dear Joe:

Our File #29,632

I am writing to you following our telephone conversation of February 16, 1987 in connection with the Windshire Project in the Town of New Windsor. I met with Berek Blumenfeld and David Rosen, who are the owners of the project, and they have asked me to contact the Town of New Windsor to clarify the type of project they anticipate building. From the initial submittal to the Town, this project was identified as a condominium project. The type of structure anticipated is a Town House but that merely identifies the fact that the construction envisions two story units as opposed to flats.

I understand that at the Planning Board Meeting on April 8, 1987, the engineer for the project told the Board in response to your very proper questions that this was to be a rental project. That is incorrect and the purpose of this letter is to set the record straight once and for all. Windshire is to be a condominium project. Our firm has been retained to process the approval with the Attorney General and now that the Planning Board has given site plan approval to the project we are in a position to do so.

I would appreciate it if you would take whatever steps may be necessary to set the record straight so that the minutes of the Town of New Windsor Planning Board clearly sets forth the fact that Windshire is a condominium project and that the approval from the Board is based upon that fact. Should you need any additional material from me or should you believe that it is necessary that an appearance be made before the New Windsor Planning Board to accomplish this, please contact me at once. Thank you again for your many courtesies.

Very truly yours,

JAMES R. LOEB

JRL:ck

bcc: Mr. Mark Edsall, P.E.

# SHORT ENVIRONMENTAL ASSESSMENT FORM

## INSTRUCTIONS:

(a) In order to answer the questions in this short EAF it is assumed that the preparer will use currently available information concerning the project and the likely impacts of the action. It is not expected that additional studies, research or other investigations will be undertaken.

(b) If any question has been answered Yes the project may be significant and a completed Environmental Assessment Form is necessary.

(c) If all questions have been answered No it is likely that this project is not significant.

## (d) Environmental Assessment

1. Will project result in a large physical change to the project site or physically alter more than 10 acres of land? . . . . . ☐ Yes ☒ No
2. Will there be a major change to any unique or unusual land form found on the site? . . . . . ☐ Yes ☒ No
3. Will project alter or have a large effect on an existing body of water? . . . . . ☐ Yes ☒ No
4. Will project have a potentially large impact on groundwater quality? . . . . . ☐ Yes ☒ No
5. Will project significantly effect drainage flow on adjacent sites? . . . . . ☐ Yes ☒ No
6. Will project affect any threatened or endangered plant or animal species? . . . . . ☐ Yes ☒ No
7. Will project result in a major adverse effect on air quality? . . . . . ☐ Yes ☒ No
8. Will project have a major effect on visual character of the community or scenic views or vistas known to be important to the community? . . . ☐ Yes ☒ No
9. Will project adversely impact any site or structure of historic, pre-historic, or paleontological importance or any site designated as a critical environmental area by a local agency? . . . ☐ Yes ☒ No
10. Will project have a major effect on existing or future recreational opportunities? . . . ☐ Yes ☒ No
11. Will project result in major traffic problems or cause a major effect to existing transportation systems? . . . . . ☐ Yes ☒ No
12. Will project regularly cause objectionable odors, noise, glare, vibration, or electrical disturbance as a result of the project's operation? . ☐ Yes ☒ No
13. Will project have any impact on public health or safety? . . . . . ☐ Yes ☒ No
14. Will project affect the existing community by directly causing a growth in permanent population of more than 5 percent over a one-year period or have a major negative effect on the character of the community or neighborhood? . ☐ Yes ☒ No
15. Is there public controversy concerning the project? ☐ Yes ☒ No

PREPARER'S SIGNATURE: Harold F. Fullam

TITLE: P.E., L.S.

REPRESENTING: WINDSOR PARK ASSOC.

DATE: 7/10/85

INTER-OFFICE CORRESPONDENCE

TO: New Windsor Planning Board  
FROM: Town Fire Inspector  
DATE: 30 March 1987  
SUBJECT: Windshire Townhouse Site Plan

I have reviewed the abovementioned site plan and find that all of the required changes as required by this office have been complied with.

In addition to the above, I find that the site plan complies with all present fire prevention local laws.

Thank you for your time.

Yours truly,

  
Robert F. Rodgers

TOWN OF NEW WINDSOR  
PLANNING BOARD  
RECEIVED <sup>vp</sup>  
DATE 3-30-87

DONALD F. FULLAM

PROFESSIONAL ENGINEER

LICENSED LAND SURVEYOR

8 LINCOLN DRIVE POUGHKEEPSIE, NY 12601 (914) 297-6512

January 21, 1987

Chairman, Town Planning Board  
Town of New Windsor  
Union Ave.  
New Windsor, NY 12550

RE: Windshire Site Plan  
Route 94 & Erie Ave.

Dear Sir:

At the Planning Board meeting of 12/10/86, this application received several comments from both the Planning Board members and their engineer, McGoeey & Hauser, P.C.

Attached hereto is a copy of said comments and what we have done about them.

We respectfully request that, we be placed on the Planning Board agenda for 01/28/87 for final site plan review.

Very truly yours,



D. F. Fullam, P.E., L.S.

P.S. We have taken the liberty of hand delivering a set of plans and a copy of this letter to McGoeey & Hauser.

RE: WINDSHIRE SITE PLAN  
McGoey & Hauser letter 12/10/86

Points raised will be addressed in the same numerical order as the above noted letter.

2. See revised sheets # 1, 3, 4 & 5 for emergency access road location, profile and section.
3. See Sheet # 1 for zoning ordinance bulk tables.
4. See Sheet # 1 for corrected typical unit dimensions.
5. See Sheet # 3. The fire hydrant layout has been revised based on Mr. Rogers letter and sketch dated 12/12/86.
6. See attached Schedule "A" for fire flow design calculations.
7. See Sheet # 3 for building sewer connections.
8. See Sheet # 2 for information on Route 94.
9. Preliminary approval from N.Y.S. D.O.T. has been received and should be in your files.
10. See Sheet # 1 for typical dimensions added, and Sheet # 5 for typical detail.
11. This area is fight, but it will be fit. In any case, it is part of Phase II, which will be submitted to the Planning Board for approval at a later date when the N.Y.S. D.E.C. has granted a permit.
12. See Sheet # 6 for landscape schedule & details.
13. This will be done.

PLANNING BOARD COMMENTS:

1. Change curb from blacktop to concrete. See Sheet # 2.
2. Show detail and locations for "No Parking" signs. See Sheet # 6.

3. Show recreation area west of western most building. See Sheet # 1 for location and details.
4. Show existing & emergency driveway to Erie Ave. See Sheets # 1, 3, 4 and 5 for locations and details.
5. Show crash gate at western end of "T" on emergency road. See Sheets #1 & 3.
6. Show area lighting and details. See Sheet # 6.
7. Subdivision regulations on fire hydrants. See answers # 5 and 6 to McGoeey and Hauser's letter above.
8. Show screening on north side of north drive with spacing and caliper. See Sheet # 6.
9. Show detail of entrance road from Route 94 per N.Y.S. standards. See Sheet # 5.
10. Show existing culvert crossing Route 94 with flow direction and ditch line. See Sheet # 3.



## NEEDED FIRE FLOW CALCULATIONS

$$N.F.F. = C_L \times O_L \times (X_L + P_L)$$

### CONSTRUCTION FACTOR ( $C_L$ )

$$C_L = 18 \times F \times (A_L)^{.5}$$
$$= 18 \times 1.5 \times (924)^{.5}$$

$$C_L = 820.73 \text{ GPM}$$

ROUNDED TO NEAREST 250 GPM

$$C_L = 750 \text{ GPM}$$

$F = 1.5$  CONSTRUCTION CLASS 1

$A_L$  = EFFECTIVE AREA

$$= \text{MODEL "B"} = 616 + 308 = 924 \text{ \#}$$

616 = 1<sup>ST</sup> FLOOR AREA

308 =  $\frac{1}{2}$  2<sup>ND</sup> FLOOR AREA

### OCCUPANCY FACTOR ( $O_L$ )

$$O_L = 0.85$$

OCCUPANCY FACTOR C-2  $\rightarrow$  LIMITED COMBUSTIBLE

### EXPOSURES ( $X_L$ ) AND COMMUNICATIONS ( $P_L$ ) FACTORS: ( $X_L + P_L$ )

$$(X_L + P_L) = 1 + E(X_L + P_L)$$

$$P_L = 0$$

WORST CASE UNIT: MODEL B WEST SIDE OF SQUARE

$$X_{\text{NORTH}} : 0.22$$

$$X_{\text{SOUTH}} : 0.22$$

$$X_{\text{EAST}} : 0.12$$

$$X_{\text{WEST}} : \underline{0.00}$$

$$0.56$$

$$X_i + P_i = 1.56$$

$$N.F.F. = C_i \times O_i \times (X_i + P_i)$$

$$= 750 \times 0.85 \times 1.56$$

$$= 994.50 \text{ gpm} \quad \text{ROUNDED OFF TO NEAREST 250 gpm}$$

$$N.F.F. = 1000 \text{ gpm}$$

\* NOTE: THESE CALCULATIONS ARE IN ACCORDANCE WITH THE FIRE SUPPRESSION RATING SCHEDULE AS PUBLISHED BY THE INSURANCE SERVICES OFFICE.

FLOWS:

ASSUMED OCCUPANCY RATES

$$2 \text{ BR} \Rightarrow 4 \text{ CAPITA}$$

$$3 \text{ BR} \Rightarrow 5 \text{ CAPITA}$$

$$2 \text{ BR} \quad 30 \times 4 = 120$$

$$3 \text{ BR} \quad 14 \times 5 = \underline{70}$$

190 CAPITA

AVERAGE DAILY FLOW:

$$190 \text{ CAPITA} \times \frac{100 \text{ GPD}}{\text{CAPITA}} = 19,000 \text{ GPD} = 13.2 \text{ GPM}$$

MAXIMUM DAILY FLOW:

$$190 \text{ CAPITA} \times \frac{100 \text{ GPD}}{\text{CAPITA}} \times 2 = 38,000 \text{ GPD} = 26.4 \text{ GPM}$$

PEAK HOURLY FLOW:

$$190 \text{ CAPITA} \times \frac{100 \text{ GPD}}{\text{CAPITA}} \times 6 = 114,000 \text{ GPD} = 79.2 \text{ GPD}$$

DAY 80 GPM

MAXIMUM FLOW = N.F.F. + P.H.F.

$$1000 \text{ gpm} + 80 \text{ gpm} = \underline{\underline{1080 \text{ gpm}}}$$

\* NOTE: COMPUTATIONS ABOVE REFLECT A PEAKING FACTOR OF 6.

INTER-OFFICE CORRESPONDENCE

*Received 12/12/86*

TO: Town Planning Board  
FROM: Town Fire Inspector  
DATE: 12 December 1986  
SUBJECT: Windshire Site Plan


As designed, the hydrant layout at Windshire is not acceptable. There are two (2) hydrants which are not located on a roadway and access for fire department vehicles is restricted.

I have given an alternative water main and fire hydrant plan, which may be acceptable assuming there is no objection to having the water main placed in the easement. Should this not be acceptable, then another layout will be necessary.

If there are any further questions, please feel free to call on me.

Thank you for you time.

Respectfully,

  
Robert F. Rodgers

Att.

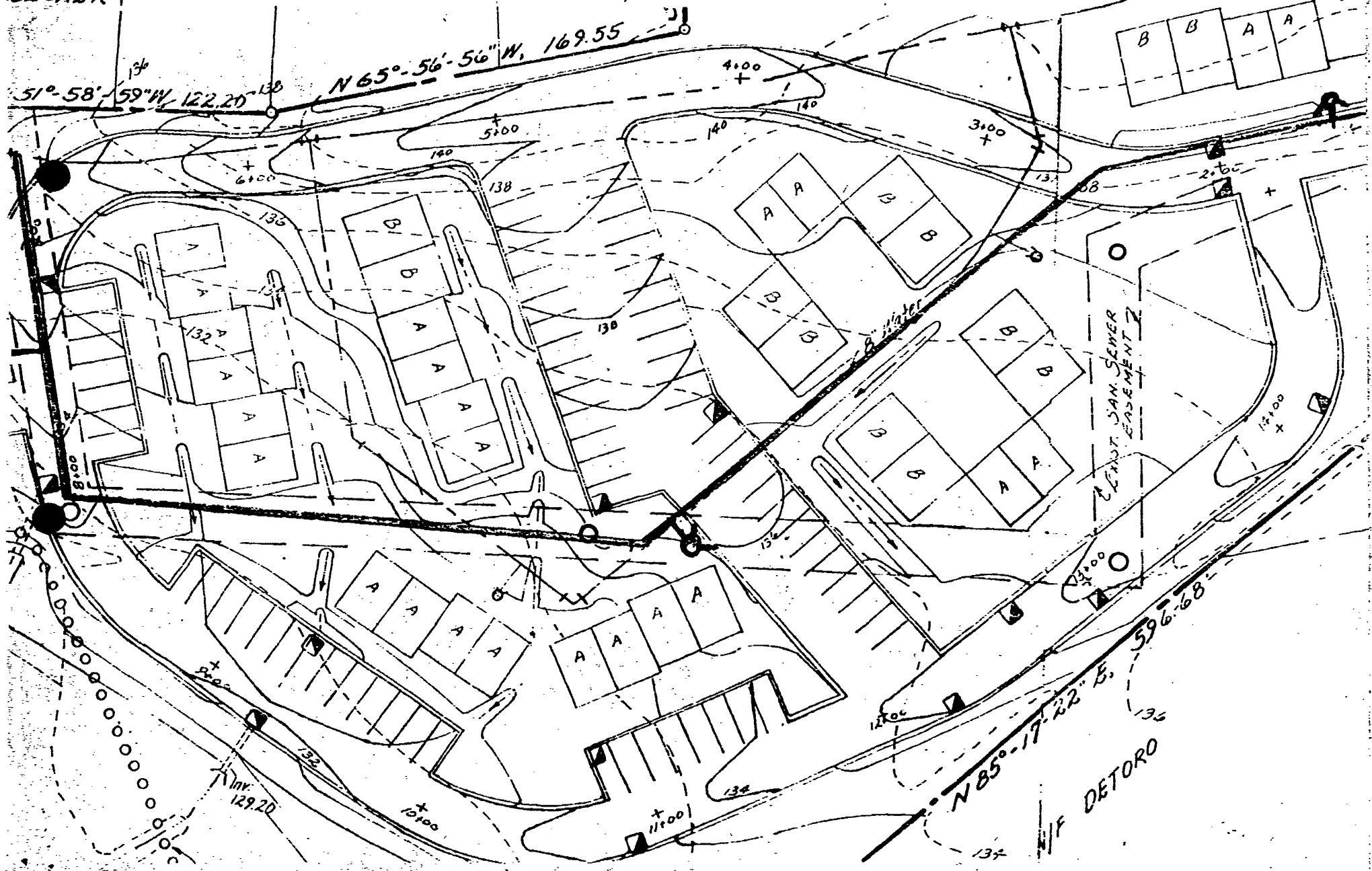
N/F  
CRAWFORD

53:0

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142  
142

N 65° 29' 18" E

DECKER



INTER-OFFICE CORRESPONDENCE

*Planning Board*  
*Received 12/12/86*

TO: Town Planning Board  
FROM: Town Fire Inspector  
DATE: 12 December 1986  
SUBJECT: Windshire Site Plan

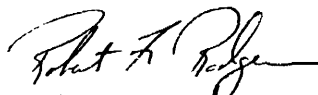
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If there are any further questions, please feel free to call on me.

Thank you for you time.

Respectfully,



Robert F. Rodgers

Att.



McGOEY and HAUSER  
CONSULTING ENGINEERS P.C.

45 QUASSAICK AVE. (ROUTE 9W)  
NEW WINDSOR, NEW YORK 12550

TELEPHONE (914) 562-8640  
PORT JERVIS (914) 856-5600

Licensed in  
New York  
New Jersey  
Pennsylvania

TOWN OF NEW WINDSOR  
PLANNING BOARD  
REVIEW COMMENTS

PROJECT NAME: Windshire  
PROJECT LOCATION: Route 94 (Opposite Jay Street)  
NW #: 85-43  
10 December 1986

- 1). The Applicant has submitted a Site Plan for review for the construction of a forty-four (44) unit townhouse complex off of Route 94 opposite Jay Street.
- 2). On the Site Plan (Sheet 1) the Applicant should locate the emergency access roadway from Erie Avenue (if so provided) and should define the type of surface that will be provided. The associated road profile should be shown on Sheet 2.
- 3). The Applicant should demonstrate compliance with the bulk tables on the Site Plan.
- 4). The "Model A" two (2) bedroom unit does not appear to comply with the minimum livable area requirement of the Zoning Ordinance.
- 5). The watermain design, as indicated on the Utility Plan, does not appear to comply with the "Recommended Standards For Water Works" with regards to the spacing and location of hydrants and distribution-isolation valves. Further, the location of some hydrants, as shown, appear inaccessible to emergency equipment. The Bureau of Fire Prevention should be further consulted with regard to the development of the hydrant locations.
- 6). The Applicant should provide design calculations indicating availability of the "needed fire flow" for the development as defined by the Insurance Services Office (ISO) in the fire suppression rating schedule guidelines.
- 7). Sanitary sewer connections to each building should be shown on the Utility Plan.
- 8). On the Road Profile, the Applicant should indicate the center-



line, pavement edge and shoulder for Route 94.

9). Submittal to the New York State Department of Transportation for the proposed drive onto Route 94 will be required.

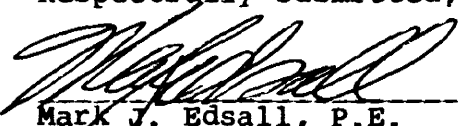
10). A typical parking space detail should be provided to verify sizing compliance. In addition, typical overall widths at 90° parking should be provided to indicate available "back-up" space.

11). The westerly most parking area appears constricted by the boundary lines and is as well being constructed within the 100 foot setback line from the wetlands.

12). The Applicant should submit a detailed Landscaping Plan as requested by the Board at the 10 September 1986 meeting and per Section 48-20E of the Zoning Ordinance.

13). All design sheets of the submittal should bear the Designer's Professional Engineering Stamp as well as the Licensed Land Surveyor Stamp.

Respectfully submitted,

  
\_\_\_\_\_  
Mark J. Edsall, P.E.  
Planning Board Engineer

MJEfmd



McGOEY and HAUSER  
CONSULTING ENGINEERS P.C.

45 QUASSAICK AVE. (ROUTE 9W)  
NEW WINDSOR, NEW YORK 12550

TELEPHONE (914) 562-8640  
PORT JERVIS (914) 856-5600

Licensed in  
New York  
New Jersey  
Pennsylvania

11 November 1986

MEMORANDUM FOR RECORD

SUBJECT: WINDSHIRE SITE PLAN

On 10 November 1986, this writer had a conversation with Mr. Don Fullam of Fullam and Zimmer Associates with regard to the subject site plan which has been submitted for review for the Town of New Windsor Planning Board. We reviewed the fact that previous the Planning Board Members had requested that Mr. Fullam locate the Route 94/Jay Street intersection, the Erie Ave/Route 94 intersection and provide a location plan. In addition, I requested from Mr. Fullam that he put bulk tables on the drawing, a symbols legend, identify all right-of-ways, indicate by note if the topography is interpolated (or from actual survey), identify the number of rooms in a "A" structure, identify what the unlettered structures are, and provide all such additional information as required to make the drawing complete.

Mr. Fullam indicated he would make these changes and submit these drawings as well as, completed utility (i.e. sewer, water etc.) drawings and request same be put on a agenda as soon as possible.

Respectfully submitted,



Mark J. Edsall, P.E.  
Planning Board Engineer

MJEnjE

cc: Mr. Henry C. Reynolds, Planning Board Chairman

INTER-OFFICE CORRESPONDENCE

TO: New Windsor Planning Board  
FROM: Town Fire Inspector  
DATE: 14 August 1985  
SUBJECT: Windsor Park - Preliminary Site Plan

I have serious doubts about the width of the service road at the rear of the buildings. It brings to mind the problems encountered by fire apparatus at the Squire Village Apartment complex.

I would like to see a minimum road width of at least twenty (20) feet, and No Parking Or Standing signs installed on each side of the roadway.

When the final site plans have been submitted with the water main and hydrants shown, kindly forward three (3) copies to the BUREAU OF FIRE PREVENTION for their approval.

Thank you for your time.

Respectfully,



Robert F. Rodgers

cc: Bureau of Fire Prevention



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK

BUREAU OF FIRE PREVENTION

SITE PLAN APPROVAL

WINDSHIRE

The aforementioned site plan or map was reviewed by the Bureau of Fire Prevention at a meeting held on 12 August 1986.

       The site plan or map was approved by the Bureau of Fire Prevention.

  X   The site plan or map was disapproved by the Bureau of Fire Prevention for the following reason(s).

The spacing of hydrants DOES NOT comply with the requirements of Section 21-10, Paragraph B of the Town Code. "There shall be a maximum of five hundred (500) feet between hydrants situated along the water main lines." Additional hydrants needed along the water main where it comes in from Erie Avenue.

The street widths are still questionable for use by fire fighting apparatus.

*[Signature]*

SIGNED: \_\_\_\_\_

CHAIRMAN



Louis Heimback  
County Executive

## Department of Planning & Development

124 Main Street  
Goshen, New York 10924  
(914) 294-5151

Peter Garrison, Commissioner  
Richard S. DeTurk, Deputy Commissioner  
Paul Costanzo, Director of Community Development

### ORANGE COUNTY DEPARTMENT OF PLANNING & DEVELOPMENT 239 L, M or N Report

This proposed action is being reviewed as an aid in coordinating such action between and among governmental agencies by bringing pertinent inter-community and Countywide considerations to the attention of the municipal agency having jurisdiction.

D P & D Reference No. NUOT21-8617  
County I.D. No. 261 1113

Applicant "WINDSHIRE"

Proposed Action: SITE PLAN - TOWNHOUSES - 67015 AVE / NY 94

State, County, Inter-Municipal Basis for 239 Review FRONTAGE / ACCESS NY 94

County Effects: Freshwater wetlands are important natural resources to the County as well as the Town. A large portion of the site as indicated on the enclosed map, lies within a DEC regulated wetland. Before construction is initiated in the wetland, a permit to do so must be obtained from the DEC.

The Orange County Department of Planning recommends disapproval at this time because the appropriate wetland construction permit has not been obtained. In the event the plan is resubmitted, the

Related Reviews and Permits N.Y.S. DEPT. OF TRANSPORTATION

County Action: ☐ Approved ☒ Disapproved

Approved subject to the following modifications:

wetlands and 100 foot wetlands buffer should be clearly depicted.

7/21/86  
Date

Peter Garrison  
Commissioner



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK

BUREAU OF FIRE PREVENTION

SITE PLAN APPROVAL

WINDSHIRE SITE PLAN

The aforementioned site plan or map was reviewed by the Bureau of Fire Prevention at a meeting held on ~~31 June~~ / ~~July~~ 9 86.

       The site plan or map was approved by the Bureau of Fire Prevention.

✓ The site plan or map was disapproved by the Bureau of Fire Prevention for the following reason(s).

This site plan does not show hydrant locations. Street widths  
are questionable for fire fighting apparatus (ladder truck).

SIGNED: Richard Holley R.F.D.

CHAIRMAN



STATE OF NEW YORK  
DEPARTMENT OF TRANSPORTATION

112 Dickson Street  
Newburgh, NY 12550

JAMES L. LARocca  
COMMISSIONER

*June 25, 1986*

Town of New Windsor  
Planning Board  
Town Hall  
555 Union Avenue  
New Windsor, NY 12550

Re: *Windsor*  
*Route 94 sh. 42*  
*Town of New Windsor*

Dear Chairman:

We have reviewed this matter and please find our comments checked below.

- ☒ A Highway Work permit will be required
- ☒ No objection
- ☐ Need additional information ☐ Traffic Study ☐ Drainage Study
- ☐ To be reviewed by Regional Office
- ☐ Does not affect New York State Department of Transportation

ADDITIONAL COMMENTS:

Very truly yours,

*D. Donald Greene*  
D. Donald Greene  
C.E. I Permits

DDG:gt



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK

BUREAU OF FIRE PREVENTION

SITE PLAN APPROVAL

WINDSHIRE

The aforementioned site plan or map was reviewed by the Bureau of Fire Prevention at a meeting held on 17 February 1987.

       The site plan or map was approved by the Bureau of Fire Prevention.

X The site plan or map was disapproved by the Bureau of Fire Prevention for the following reason(s).

The second access from Erie Avenue should be widened to code, and  
crash gate eliminated.

SIGNED:

Richard Holaday (CR)  
CHAIRMAN



85-43

WATER, SEWER, HIGHWAY REVIEW FORM:

The maps and plans for the Site Approval \_\_\_\_\_  
Subdivision Windsor Route 94 as submitted by  
Fullan for the building or subdivision of  
\_\_\_\_\_ has been  
reviewed by me and is approved ✓,  
disapproved \_\_\_\_\_.

If disapproved, please list reason.

✓ Fred Taylor  
HIGHWAY SUPERINTENDENT

\_\_\_\_\_  
WATER SUPERINTENDENT

\_\_\_\_\_  
SANITARY SUPERINTENDENT

10/1/86  
DATE

3

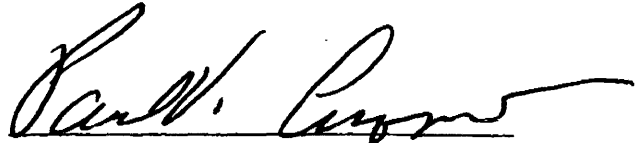
PLANNING BOARD

PLANNING BOARD ENGINEER REVIEW FORM:

The maps and plans for the Site Approval \_\_\_\_\_  
~~Subdivision~~ \_\_\_\_\_ as submitted by  
FULLER-ZIMMER ASSOC for the ~~building or subdivision~~ SITE PLAN  
of WINDSHIRE has been reviewed  
by me and is approved \_\_\_\_\_ disapproved X

If disapproved, please list reason.

PARKING LAYOUT PRECLUDES  
A CONTINUOUS LOOP FLOW  
OF TRAFFIC IN THE PARKING  
LOT



PAUL V. CUOMO, P.E.

SEPT. 9, 1986

Date

Planning Board  
Town of New Windsor,  
555 Union Avenue  
New Windsor, N.Y. 12550

Re: Windsor Park Application  
Route 94 and Erie Avenue

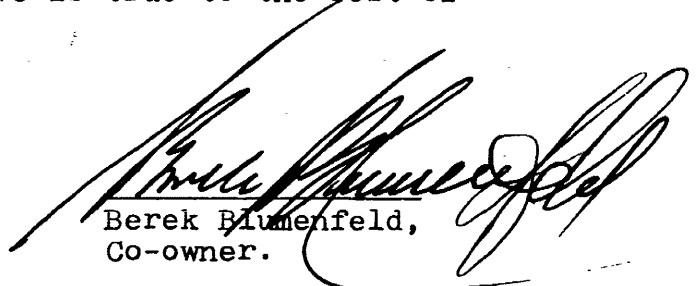
Dear Board Members;

The referanced application is for development of a parcel of land of which I am co-owner. Said application, by Windsor Park Associates is made with my full consent and approval.

This parcel, shown on the town tax maps as Section 26 Block 1 Lot 13, was purchased by Berek Blumenfeld and David Rosen from Joseph Ruscitti on November 21, 1972, the deed was properly filed in the Orange County clerks office in Liber of Deeds 1926 at Page 857.

At the present time, there is no existing contract of sale to Windsor Park Associates or any other party.

I hereby certify that the above is true to the best of my knowledge and belief.



Berek Blumenfeld,  
Co-owner.

BB/11

SH No. 42Est. Compl. Date 3/31/88Permit Fee \$ 300.00Ins. Fee \$ 2.50Total Received \$ 302.50Check or M.O. No. 1123

Liability Insurance

Policy No. \_\_\_\_\_

Disability Benefit Coverage

Policy No. \_\_\_\_\_

## HIGHWAY WORK PERMIT

Expiring \_\_\_\_\_

Permit No. 8-86-1529Deposit Rec. for \$ 1,000.00Check or M.O. No. 1124Dated 3/18/87

or

\$ \_\_\_\_\_

Chargeable to Bond No. \_\_\_\_\_

or Undertaking on File

Permittee B. BlumenfeldAddress 1716 54th StreetCity Brooklyn, State NY Zip 11204

Workmen's Compensation

Policy No. \_\_\_\_\_

Return of Deposit Made Payable To:  
(Complete Only if Different From Permittee)Mailing Address for Return of Bond or Deposit  
(Complete only if different from above.)

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Under the provisions of the Highway Law or Vehicle & Traffic Law permission is hereby granted to the permittee to Construct entrance onto state Highway, see attached plans for details. All disturbed areas within State ROW are to be topsoiled, seeded, and mulched. No trees within the State ROW over 6" RBH are to be removed without prior permission from this office.

Orange in the county of \_\_\_\_\_ as set forth and represented in the attached application; at the particular location or area, or over the routes as stated therein, if required; and pursuant to the conditions and regulations, whether general or special, and methods of performing work, if any; all of which are set forth in the application and form part of this permit.

Dated at Pok., N.Y.

Commissioner of Transportation

Date Signed March 30, 1987

By \_\_\_\_\_

M. A. Mignogna

## IMPORTANT

THIS PERMIT, WITH APPLICATION AND DRAWING (OR COPIES THEREOF) ATTACHED, SHALL BE PLACED IN THE HANDS OF THE CONTRACTOR BEFORE ANY WORK IS STARTED.

NOTICE - It is absolutely necessary that the permittee notify D. E. Fullam, Resident Engineer, whose address is 112 Dickson Street, Newburgh, New York 12550 Tel. No. 562 4020 before work is started and upon its completion.

UPON COMPLETION OF WORK AUTHORIZED, THE FOLLOWING WILL BE COMPLETED AND SIGNED BY THE PERMITTEE AND DELIVERED TO THE RESIDENT ENGINEER

Work authorized by this Permit was completed on (Date) \_\_\_\_\_

Refund of deposit or return of bond or reduction of amount charged against bond or deposit on file for this permit whichever is appropriate, is requested

Date \_\_\_\_\_

**AUTHORIZED AGENT (IF ANY)**

Upon acceptance of work performed as satisfactorily completed, the Resident Engineer will sign the following and forward to the Regional Office.

Work authorized by this Permit has been satisfactorily completed and is accepted.

Date \_\_\_\_\_

**RESIDENT ENGINEER**

The Regional Office will forward this form to the Main Office with the appropriate box checked.

To: **HIGHWAY PERMIT SECTION:**

- ☐ Refund of Deposit on this Permit is authorized.
- ☐ Return of Bond furnished for this Permit is authorized.
- ☐ Amount charged against Blanket Bond for this permit may be cancelled.
- ☐ Retain Bond for future permits

Date \_\_\_\_\_

**REGIONAL TRAFFIC ENGINEER**

The issuing authority reserves the right to suspend or revoke this permit, at its discretion without a hearing or the necessity of showing cause, either before or during the operations authorized.

The Permittee will cause an approved copy of the application to be and remain attached hereto until all work under the permit is satisfactorily completed, in accordance with the terms of the attached application. All damaged or disturbed areas resulting from work performed pursuant to this permit will be repaired to the satisfaction of the Department of Transportation.

Upon completion of the work within the state highway right-of-way, authorized by the work permit, the person, firm, corporation, municipality, or state department or agency, and his or its successors in interest, shall be responsible for the maintenance and repair of such work or portion of such work as set forth within the terms and conditions of the work permit.

# STATE OF NEW YORK DEPARTMENT OF TRANSPORTATION

PREPARE 3 COPIES

## HIGHWAY WORK PERMIT APPLICATION FOR NON-TRAFFIC WORK

Application is hereby made for a highway work permit

X Name B. BlumenfeldAddress 1716 54th StreetCity Brooklyn State NY Zip 11204

RETURN PERMIT TO: (If different from above)

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

PERSONAL	
AST. TO RD	
Highway Work Permit No.	

**REC'D  
DOT**

Effective Date

MAR 19 1987

RETURN OF DEPOSIT/BOND TO:

(COMPLETE ONLY IF DIFFERENT FROM ABOVE)

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

CONSTR.	EMULS. MAT.
DESIGN	TRAFFIC
EGPT. MGT.	CEN. FILE
HWY. MAINT.	

X1. Requested duration from April 1, 19 87 thru March 31, 19 88, to apply to the operation(s) checked below:X2. Protective Liability Insurance covered by Policy No. N.A. B+B; expires on \_\_\_\_\_ 19 \_\_\_\_\_X3. Workers' Compensation Insurance Policy No. N.A. B.B. expiring \_\_\_\_\_X4. Disability Benefits Coverage Policy No. N.A. B.B.

CHECK TYPE OF OPERATION	Permit Fee	Show Ins. Fee in Amt. or PERM 17 or Undertaking on file	Total Amount of Fee and/or Insurance	Guarantee Deposit Amount and/or Bond	Check or Bond Number
<input checked="" type="checkbox"/> 4. Single job - Permit issued for each job					
<input checked="" type="checkbox"/> a. Driveway or roadway					
<input type="checkbox"/> Residential	\$ 15				
<input type="checkbox"/> Commercial - Minor	150				
<input type="checkbox"/> Commercial - Major	500				
<input checked="" type="checkbox"/> Subdivision Street	<u>300</u>				
<input type="checkbox"/> Temporary access road or street	25				
<input type="checkbox"/> b. Improvement					
<input type="checkbox"/> Residential	15				
<input type="checkbox"/> Commercial	25				
Check additional description below:					
<input type="checkbox"/> Install sidewalk, curb paving, stabilized shoulder, drainage, etc.					
<input type="checkbox"/> Grade, seed, improve land contour, clear land of brush, etc.					
<input type="checkbox"/> Resurface existing roadway or driveway					
		+2.50	302.50	1000.00	

<input type="checkbox"/> c. Tree Work				
<input type="checkbox"/> Residential	15			
<input type="checkbox"/> Commercial (not required for pruning if utility has annual maintenance permit)	25			
Check additional description below:				
<input type="checkbox"/> Removal or planting				
<input type="checkbox"/> Pruning, applying chemicals to stumps, etc.				
<input type="checkbox"/> d. Miscellaneous Construction				
<input type="checkbox"/> Beautifying ROW - (for Civic Groups only)	NC			
<input type="checkbox"/> Temporary signs, banners, Christmas decorations	25			
<input type="checkbox"/> Traffic control signals	500			
<input type="checkbox"/> Warning and entrance signs	25			
<input type="checkbox"/> 5. Encroachments caused by D.O.T. acquisition of property	25			
<input type="checkbox"/> 6. Compulsory permit required when work performed at the request of D.O.T.				
<input type="checkbox"/> a. Building demolition or moving requested by D.O.T.				
<input type="checkbox"/> Demolition <input type="checkbox"/> Moving	NC			
<input type="checkbox"/> b. Improvement to meet Department standards	NC			

WORK MAY BE DESCRIBED BRIEFLY AS FOLLOWS: Construct entrance onto state Highway, see attached plans for details

Additional work description is attached; Plans XX page and/or \_\_\_\_\_ Map is attached showing work to be performed at:  
 LOCATION (on XX along \_\_\_\_\_ across \_\_\_\_\_) State Route 42  
 between Reference Marker 131.7 and Reference Marker 131.8 in the Town of New Windsor  
 County of Orange known as Rte. 94

SEQR REQUIREMENTS: (Check appropriate box)  
☒ Exempt ☐ Ministerial ☐ Type II ☐ EIS or DEIS Lead Agency \_\_\_\_\_

If project is identified to be ministerial, exempt, or TYPE II, no further action is required.

If project is determined to be other than ministerial, exempt, or TYPE II, refer to M.A.P. 7.12.2, Appendix A SEQR REQUIREMENTS FOR HIGHWAY WORK PERMITS.

Acceptance of the requested permit subjects the permittee to the restrictions, regulations and obligations stated on this application and on the permit.

X Applicant Signature [Signature] Date 3/14/87 19 \_\_\_\_

For Joint application and work, note name and address of Second Applicant below:

Second Applicant Signature \_\_\_\_\_ Date \_\_\_\_\_ 19 \_\_\_\_

Approval recommended Mar 19 1987 By Resident Engineer [Signature] Residency No. 4

Approved March 25 1987 By Regional Traffic Engineer [Signature] Region No. 8

PERMIT IS ISSUED CONTINGENT UPON LOCAL REQUIREMENTS BEING SATISFIED.

## RESPONSIBILITIES OF PERMITTEE

### 1. PROTECTIVE LIABILITY INSURANCE COVERAGE

Permittee must have protective liability insurance coverage in accordance with Department requirements. (See Certificate of Protective Liability Insurance for Permits on State Highways Form PERM 17)

Expiration of, or lack of, liability insurance automatically terminates the permit. Insurance coverage may be provided by furnishing the Department with one of the following:

- A Certificate of Protective Liability Insurance for Permits on State Highways (Form PERM 17, NYSDOT).
- A \$2.50 remittance (check drawn on a New York State Bank or Certified) for coverage under the Departmental Blanket Policy.
- Undertakings are limited to Public Service Corporations and government units. They must be executed through an insurance/bonding company and are subject to approval by NYSDOT Office of Legal Affairs.

### 2. COMPENSATION INSURANCE AND DISABILITY COVERAGE

The applicant is required to have compensation insurance and disability coverage as noted in the provisions of the Worker's Compensation Law and Acts amendatory thereof for the entire period of the permit, or the permit is invalid.

### 3. NOTIFICATIONS

Notify Commissioner, through Regional Office, one week prior to commencing work, except emergency work by public service utilities which should be reported the next work day.

Work must start within 30 days from date of permit.

Notify area gas distributors 72 hours prior to any blasting.

Notify utility companies with facilities in work areas (permission must be obtained before doing work affecting utilities' facilities) before starting work in accordance with Industrial Code 53.

Notify Department of Transportation at conclusion of work and return original copy of permit to Resident Engineer.

Annual Maintenance Permit Notifications:

Notify by telephone the Regional or Resident Engineer's office, one week in advance, each time regular maintenance work is to be performed. In emergencies, notification by telephone should be made the next work day.

### 4. SITE CARE AND RESTORATION

An Undertaking, a bond or certified check in an amount designated by the Department of Transportation may be required by the Regional Office, before a permit is issued, to guarantee restoration of the site to its original condition. If the Department is obliged to restore the site to its original condition, the costs to the Department will be deducted from the amount of the permittee's guarantee deposit at the conclusion of the work.

The permittee is responsible for traffic protection and maintenance including adequate use of signs and barriers during work and evening hours. Anyone working within the R.O.W. will wear an orange vest and hard hat.

No unnecessary obstruction is to be left on the pavement or the right-of-way or in such a position as to block warning signs or between work hours.

No work shall be done to obstruct drainage or divert creeks, water courses or sluices onto the right-of-way.

All falsework must be removed and all excavations must be filled in and restored to the satisfaction of the Regional Maintenance Engineer.

### 5. COSTS INCURRED BY ISSUANCE OF THIS PERMIT

All costs beyond the limits of the protective liability insurance, surety deposits, etc., are the responsibility of the permittee.

The State shall be held free of any costs incurred by the issuance of this permits, direct or indirect.

### 6. SUBMITTING WORK PLANS

The applicant will submit work plans and/or a map as required by the Department. This shall include such details as measurements of driveways with relation to nearest property corner, positions of guys supporting poles and a schedule of the number of poles and feet of excavation necessary for completion of the work within the State right-of-



way. A description of the proposed method of construction will be included.

Plan work with future adjustments in mind, as any relocation, replacement or removal of the installation authorized by this permit and made necessary by future highway maintenance, reconstruction or new construction, will be the responsibility of the permittee.

Driveway plans should be prepared in accordance with the POLICY AND STANDARDS FOR ENTRANCES TO STATE HIGHWAYS.

The permittee must coordinate his work with any state construction being conducted.

## **7. TRAFFIC MAINTENANCE**

A plan detailing how the permittee intends to maintain and protect traffic shall be submitted with work plans. Traffic shall be maintained on the highway in a safe manner during working and non-working hours until construction is completed. The permittee is responsible for traffic protection and maintenance, including adequate use of signs, barriers, and flag persons during working and non-working hours until construction is completed.

All sketches will be stamped with "MAINTENANCE OF TRAFFIC SHALL BE IN CONFORMANCE WITH THE NEW YORK STATE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES."

## **8. COST OF INSPECTION AND SUPERVISION**

Prior to issuance of the Highway Work Permit, the permittee will be required to sign a SUPERVISION AND INSPECTION PAYMENT AGREEMENT FOR HIGHWAY WORK PERMITS (FORM PERM 50) agreeing to the payment of inspection and supervision charges for Department employees. Supervision and inspection charges will be based on number of work days.

NOTE: Work day is determined on basis of minimum of four (4) hours of inspection.

## **9. SCOPE**

### **a. Areas Covered**

Permits issued are for highways, bridges and culverts over which the New York State Department of Transportation has jurisdiction. (Local governments issue permits for their own jurisdiction.)

### **b. Legal**

The privilege granted by the permit does not authorize any infringement of federal, state or local laws or regulations, is limited to the extent of the authority of this Department in the premises and is transferable and assignable only with the written consent of the Commissioner of Transportation.

### **c. Commissioner's Reservation**

The Commissioner of Transportation reserves the right to modify fees and to revoke or annul the permit at any time, at his discretion without a hearing or the necessity of showing cause.

### **d. Locations**

Work locations must be approved by the Department.

### **e. Maintenance**

Property owners having access to a state highway shall be fully responsible for the maintenance of their driveway in accordance with POLICY AND STANDARDS FOR ENTRANCES TO STATE HIGHWAYS.

## **10. COMPLETION OF PROJECT**

Upon completion of the work within the state highway right-of-way authorized by the work permit, the person and his or its successors in interest, shall be responsible for the maintenance and repair of such work or portion of such work as set forth within the Terms and Conditions of the Highway Work Permit.

# **METHOD OF PERFORMING WORK WITHIN THE STATE HIGHWAY RIGHT OF WAY**

## **I. GENERAL CONDITIONS**

These conditions and regulations apply to Highway Work Permits authorizing work within the State highway right-of-way for water mains, gas mains, sewer lines and miscellaneous structures. General conditions apply to telephone and telegraph installations as well as specific conditions on the setting and resetting of poles. These conditions, and any special conditions which are added to this form, are enforceable by the Department of Transportation.

### **A. TIME**

1. Work under the permit shall be commenced within thirty (30) days from the date of permit issuance unless a later starting date is approved by the Regional Traffic Engineer.

### **B. REQUIREMENTS**

All the current requirements of the following shall apply: Occupational Safety and Health Administration, Federal Department of Labor, Safety and Health Standards (29 CFR 1926/1910); Part 131, Title 17, New York Code of Rules and Regulations, Accommodation of Utilities Within State Right-of-Way; New York State Department of Labor, Industrial Code Rule 23, Protection of Persons Employed in Construction and Demolition Work; Industrial Code Rule 53, Construction, Excavation and Demolition Operations At Or Near Underground Facilities.

Temporary soil erosion and water pollution controls shall be used as required. The final decision on the method of underground installation will be made by the Regional Director or his representative.

#### **1. Work Within Pavement and Shoulder Areas**

- a. Installations that cross the pavement and shoulder area. Wherever practical, all underground installations shall be placed beneath the pavement and shoulder areas without disturbance to these paved surfaces.

##### **1) Boring, Jacking, and Tunneling Methods**

###### **DESIGN**

- a) The location of all excavations (jacking pits, etc.) shall be shown in plan and profile.
- b) The soil profile and groundwater conditions shall be determined by adequate subsurface exploration.
- c) The location of all other existing utilities shall be shown.
- d) The construction equipment and procedures to be used shall be described in the permit application.
- e) The design of all excavations, including ground and surface water control where necessary, shall be made available for review by the Department.
- f) The underground installation shall be described in detail, i.e. size, length, depth, material, provisions for grouting, etc.
- g) Pipes shall generally be enclosed in sleeves or larger pipes. Small diameter services (2 inch I.D. or smaller) may be placed without sleeving at the discretion of N.Y.S.D.O.T.
- h) The limits of an open excavation shall not be closer than 10 feet to the edge of the pavement unless approved by the Department. Open excavations shall be protected with the required controls for safety and for the maintenance and protection of traffic in accordance with the New York State Department of Transportation, Manual of Uniform Traffic Control Devices.

###### **CONSTRUCTION**

- a) Grouting operations may be required if surface settlement, loss of soil or voids around the pipe develop. When grout is required, it shall consist of 1 part cement to 2 parts sand, by volume, and sufficient water to produce a consistency suitable for placing the grout.
- b) Backfill of open excavations shall be as required under  
2.) f) Open Excavation Method.

##### **2) Open Excavation Method**

###### **DESIGN**

- a) The location of all pavement crossing by the open excavation method shall be shown in plan and profile.
- b) The soil profile and groundwater conditions shall be determined by adequate subsurface exploration.
- c) The location of all other existing utilities shall be shown.
- d) The design of all excavations, including ground and surface water control where necessary, shall be made available for review by the Department.
- e) When requested, the construction equipment and procedures to be used shall be described in the permit application.
- f) Pipe installations shall be done according to the requirements of the appropriate New York State Department of Transportation's Standard Sheets. The required granular material shall meet the material requirements for Select Granular Fill in the current New York State Department of Transportation's Standard Specifications including addenda. Exceptions will only be allowed if prior approval is granted by the Regional Soils Engineer.
- g) Pavement shall be saw cut at termination points of pavement replacement.

#### CONSTRUCTION

- a) Pavement and shoulder removal shall be done in a manner that provides for proper restoration of the replacement section. Straight, vertical cuts of the pavement will be required. Pavement surfaces that become undermined shall be cut back and removed. Alternative repair methods may be used if prior approval is granted.
  - b) The backfill material shall be placed and compacted according to the requirements for backfilling structures, culverts, pipes, conduits and direct burial cable described in Section 200, Earthwork, New York State Department of Transportation's Specifications, including addenda.
  - c) Generally, cuts shall be filled at the end of each working day. With prior approval, steel cover plates may be used. Recessing of these plates may be required.
  - d) Temporary pavements and shoulders shall be placed as soon as a crossover installation is completed.
- b. Installations that are longitudinal to the pavement.

#### 1) Open Excavation Method

##### DESIGN

- a) The location of all open excavations shall be shown in plan and profile.
- b) The soil profile and groundwater conditions shall be determined by adequate subsurface exploration.
- c) The design of all excavations, including ground and surface water control where necessary, shall be made available for review by the Department.
- d) The location of all other existing utilities shall be shown.
- e) Pipe installations shall be done according to the requirements of the appropriate New York State Department of Transportation's Standard Sheets. The required granular material shall meet the material requirements for Select Granular Fill in the current New York State Department of Transportation's Standard Specifications, including addenda. Exceptions will only be allowed if prior approval is granted by the Regional Soils Engineer.

##### CONSTRUCTION

- a) Pavement and shoulder removal shall be done in a manner that provides for proper restoration of the replacement section. Straight, vertical cuts of the pavement will be required. Pavement surfaces that become undermined shall be cut back and removed. Alternative repair methods may be used if prior approval is granted.
- b) The backfill material shall be placed and compacted according to the requirements for backfilling structures, culverts, pipes, conduits and direct burial cable described in Section 200, Earthwork, New York State Department of Transportation's Specifications, including addenda.
- c) Generally, cuts shall be filled at the end of each working day. With prior approval, steel cover plates may be used. Recessing of these plates may be required.
- d) Permanent or temporary pavement shall be placed immediately as sections of the total installation are completed to subbase elevation. Gravel surfaces in shoulder areas may be used if prior approval is granted.

#### 2) Boring, Jacking, and Tunneling Methods

##### DESIGN

- a) All the requirements of B.1. a. 1.) DESIGN a) through g) shall apply.

##### CONSTRUCTION

- a) All the requirements of B.1 a. 1.) CONSTRUCTION a) and b) shall apply.
- b) Open excavations shall be protected with the required controls for safety and for the maintenance and protection of traffic in accordance with the New York State Department of Transportation, Manual of Uniform Traffic Control Devices.
- c) The requirements of B.1. b. 1.) CONSTRUCTION d) shall apply.

#### 2. Work Outside the Pavement and Shoulder Areas

##### a. Open Excavation Method

##### DESIGN

- a) All the requirements of B.1. b. 1.) DESIGN shall apply.
- b) Open excavations shall be protected with the required controls for safety and for the maintenance and protection of traffic in accordance with the New York State Department of Transportation, Manual of Uniform Traffic Control Devices.

##### CONSTRUCTION

- a) The backfill material shall be placed and compacted according to the requirements for backfilling structures, culverts, pipes, conduits and direct burial cable described in Section 200, Earthwork, New York State Department of Transportation's Specifications, including addenda.

REVERSE

b. Boring, Jacking, and Tunneling Methods

a) All the requirements of B.1. a. 1.) DESIGN a) through f) shall apply.

b) Open excavations shall be protected with the required controls for safety and for the maintenance and protection of traffic in accordance with the New York State Department of Transportation, Manual of Uniform Traffic Control Devices.

CONSTRUCTION

a) All the requirements of B. 1. a. 1.) CONSTRUCTION shall apply.

C. SUBBASE, PAVEMENT AND SHOULDER REQUIREMENTS (including manholes)

1. Subbase

a. The subbase course shall be a minimum of 12 inches thick unless otherwise approved. The material shall meet the requirements of current Department of Transportation subbase course item as specified by the Regional Soils Engineer.

b. Under the permit, construction which adversely affects the subsurface drainage of the pavement structure shall be corrected by the addition of surface or subsurface drains, as required.

2. Pavement and Shoulders

a. Permanent

The replaced pavement shall be similar to the existing pavement in composition and texture. The selection of the material type and composition shall be subject to the approval of the Regional Director or his representative. The limit of pavement replacement shall be such that the replaced pavement is supported by thoroughly compacted subbase material and the pavement is restored to the proper grade, cross-slope and smoothness.

When bituminous concrete mixtures are required for the pavement replacement, the layers shall consist of one or a combination of mixture types contained in Table 401-1, Composition of Bituminous Plant Mixtures in Section 401 of the New York State Department of Transportation's Specification, including addenda. The mixture shall be placed at the proper temperature, without segregation, and compacted thoroughly.

When portland cement concrete mixtures are required for pavement replacement, the mixtures shall consist of either Class C or Class F as contained in Table 501-3, Concrete Mixtures in Section 501 of the New York State Department of Transportation's Specifications, including addenda. Class F is a high early strength mixture and should be used when early opening to traffic is desired.

The concrete mixtures shall be placed without segregation, then consolidated, finished to the proper elevation, and textured. Curing the concrete pavement shall be in accordance with one of the methods permitted in Section 502 pertaining to curing.

Pavement shoulders, curbs, gutters and other incidental features shall be replaced in kind unless otherwise approved by the Regional Director or his representative.

b. Temporary

Pavement that is replaced temporarily may be paved with either a hot bituminous concrete mixture mentioned above or a cold bituminous patching mixture. When a cold patching mixture is used it shall consist of aggregate and bituminous material proportioned and mixed in a bituminous mixing plant or rotating paddle shaft pugmill. Regardless which patching mixture is used it shall be laid on a prepared foundation and thoroughly compacted. Since cold bituminous patching mixtures are subject to distortion by traffic, the temporary patch shall be maintained to provide a smooth surface until the pavement is permanently replaced.

3. Manholes

Manhole frames and covers shall have sufficient structural adequacy to support the roadway traffic. The type of manhole frame and cover shall be approved by the Regional Director or his representative. The manhole frame shall be set flush with the surface of the roadway unless otherwise permitted by the Regional Director or his representative.

D. MAINTENANCE AND PROTECTION OF TRAFFIC

1. Traffic is to be maintained at all times during the progress of this work and adequate signs, barricades and lights shall be provided in accordance with the provisions of Sub-chapter H of the N.Y.S. Department of Transportation's Manual of Uniform Traffic Control Devices. A maintenance and protection of traffic plan may be required. No lanes shall be closed without prior approval.

2. The applicant shall erect and maintain suitable barricades around all trenches while work is in progress for the protection of the public, and they shall be suitably lighted by yellow lights at night. The work shall be carried on in such manner that not more than 100 feet of trench in earth remains open at end of day's work.

3. No pavement cuts are to be left unfilled over night, except in emergencies, and in such cases, adequate precautions must be exercised to protect traffic. Prior approval must be obtained to use steel plating.

4. No construction materials or equipment shall be left on the shoulders or pavement after working hours, nor shall any construction equipment or material be placed in any manner or location that will obstruct highway or railroad warning signs.

5. All open trench in the highway right-of-way shall be barricaded.

and illuminated at night with flashing yellow lights. If in the judgment of the representative of the Commissioner of Transportation, flagmen are necessary, they shall be employed by the permittee and on duty at all times during the progress of the work so as to direct traffic and maintain yellow flashing lights, etc.

6. Soft shoulder signs of adequate size, not less than 24" square, shall be erected and maintained on all backfill trenches within the shoulder area until the backfill is thoroughly settled. These signs shall be located at the beginning of each section of work at intersections and at a distance not greater than 1000 feet apart.
7. During winter conditions highway shoulders shall be maintained free of obstructions which would interfere with snow removal and ice control.
8. The permittee shall keep the traveled way free of foreign objects such as rocks, timber and other items that may fall from transporting vehicles. Spillage of material carried by or dropped from the under-carriage of any carrying vehicle resulting from the permittee's hauling operations along or across any public traveled way shall be removed immediately and such traveled way, both within and outside of the work limits, shall be kept free of such spillage by the permittee.

#### E. COMPLETION OF WORK

1. All work is to be performed in a manner approved by the Resident Engineer of the State Department of Transportation.
2. All disturbed areas shall be returned to their original condition in a manner satisfactory to the Commissioner of Transportation or his representative
3. The permittee shall be required to restore shoulders and ditches and clean up the highway as his work progresses. All driveways shall be restored with material in kind and to their original conditions.
4. All surplus earth and rubbish shall be cleaned up and removed from the highway right-of-way upon completion of the work, and the highway left in a neat and orderly condition.
5. As built plans showing final grade of new installation and existing underground facilities encountered shall be provided to N.Y.S.D.O.T. if variation from approved design plans occurred during construction.

#### F. NECESSITATED FUTURE WORK

1. The applicant agrees, that any present or future injury to or disturbance of the highway, its slopes or gutters, caused by placing mains and service pipe shall be repaired by the applicant at his own expense and in accordance with the requirements of the State Department of Transportation.
2. If necessity arises in the future because of the work on the State Highway system and/or its structures, requiring the removal, relocation or replacement of the installation authorized by the permit, said work shall be done as directed by the Commissioner or his representative, and all cost and expense so incurred shall be the obligation of the said permittee or his successor in interest.

### II. TELEPHONE - TELEGRAPH INSTALLATIONS

#### A. SETTING OF POLES

1. All poles shall be set outside the ditch lines so that the proper drainage of the highway will not be interfered with. In case it is impracticable to set poles so as not to interfere with the flow of water in the ditches, the shoulder, ditch and space around the poles shall be paved by the applicant to protect against wash.
2. There shall be no obstruction to private driveways, connecting highways or roads, paths or sidewalks.
3. In case it is found necessary to trim trees within the boundaries of the highway, the least possible amount shall be done, and in all cases the consent of the abutting property owner must be secured before the poles are set and trees trimmed.
4. Poles shall be of sufficient length to provide a clearance of not less than eighteen feet between the wire and the crown of the highway, under the worst conditions of temperature and loading. They shall be set in line and properly plumbed. They shall be well guyed. ~~No guying to trees, unless by special permission of owner.~~ Special precautions shall be taken on curves and where lines cross from one side of highway to the other. Poles shall be straight, sound, and the fittings shall be of sufficient strength to carry wires under the worst condition of loading (ice, wind, etc).
5. Where telegraph and telephone wires cross high tension power lines, electric light or trolley wires, special precaution shall be taken to maintain proper clearance under the worst condition of temperature and loading.

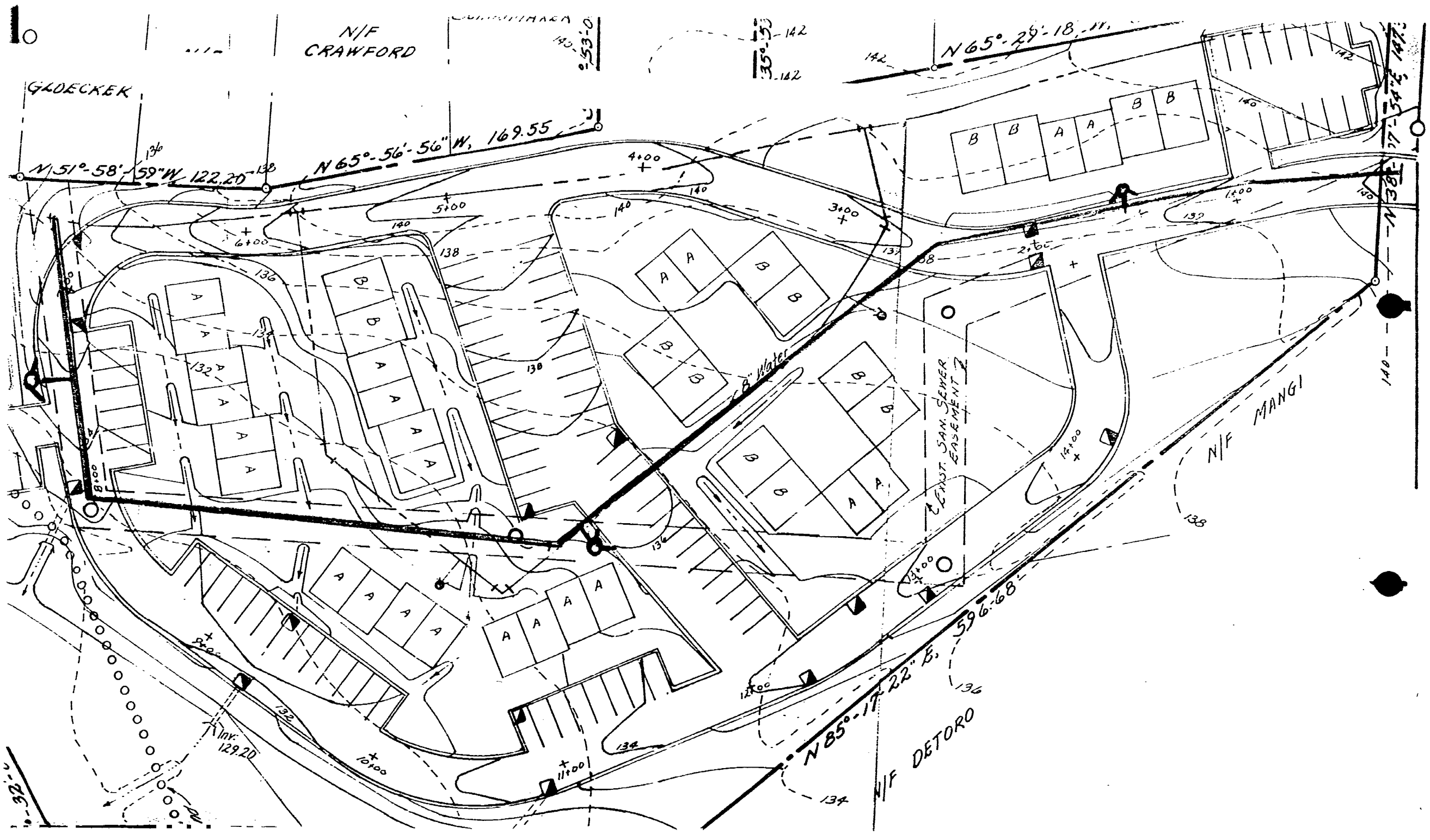
#### B. RESETTING POLES

1. If necessity arises in future, because of work on the highway, to relocate, replace or re-set poles, cables or conduits, said work shall be done at the expense of the applicant.

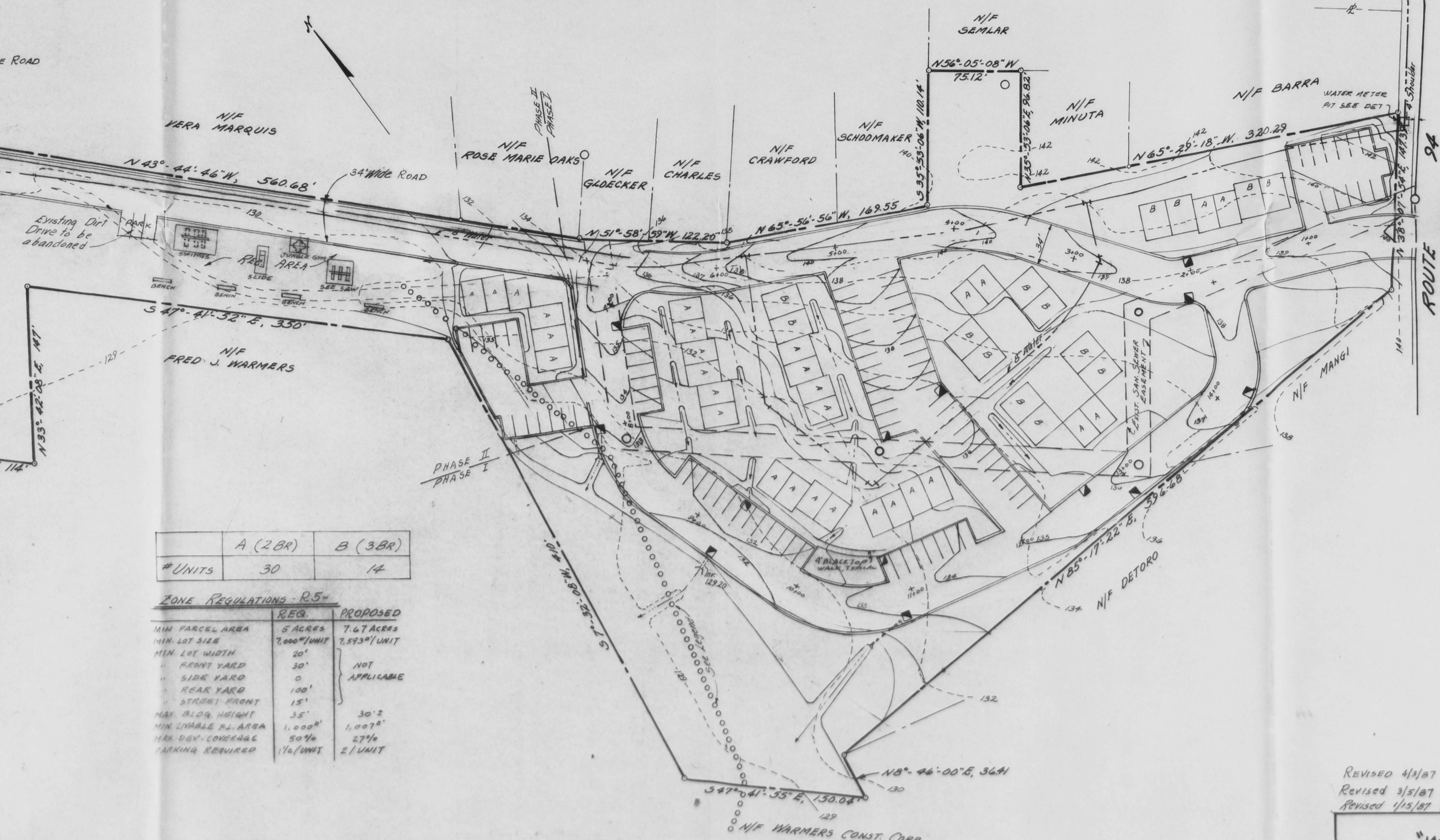
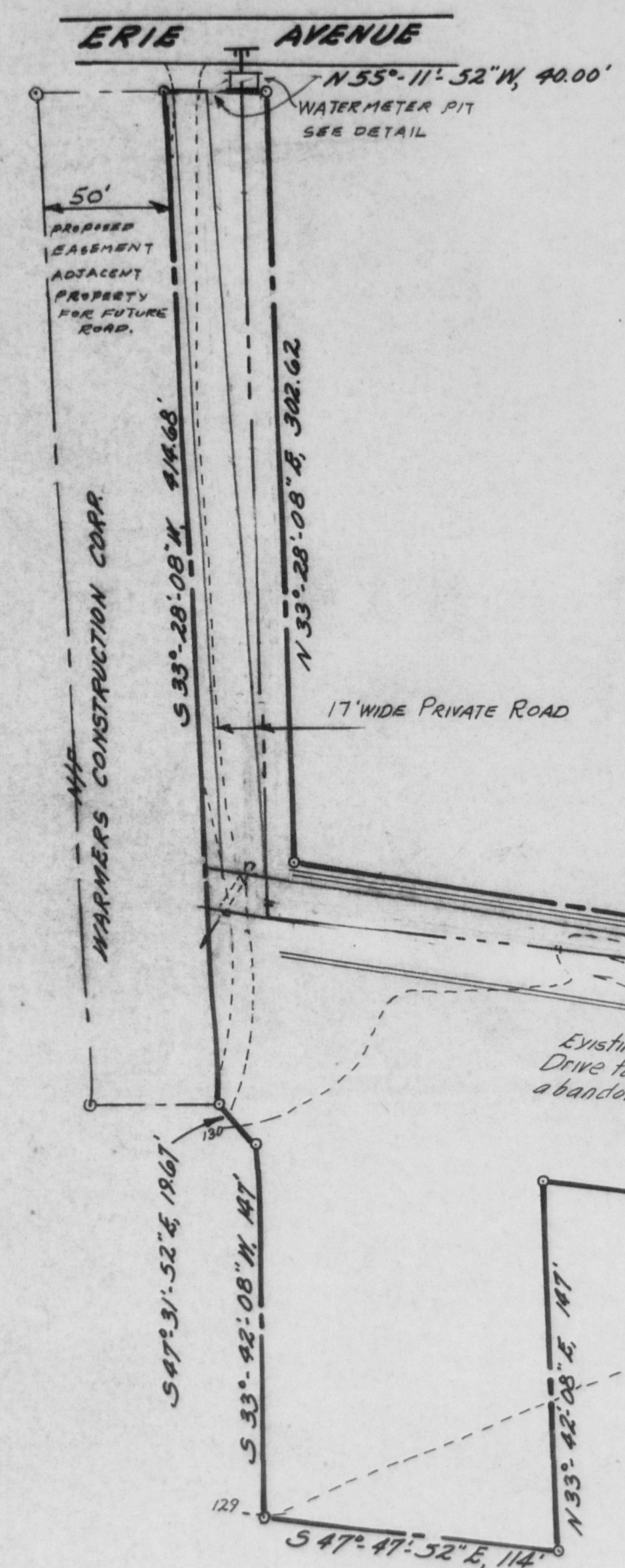
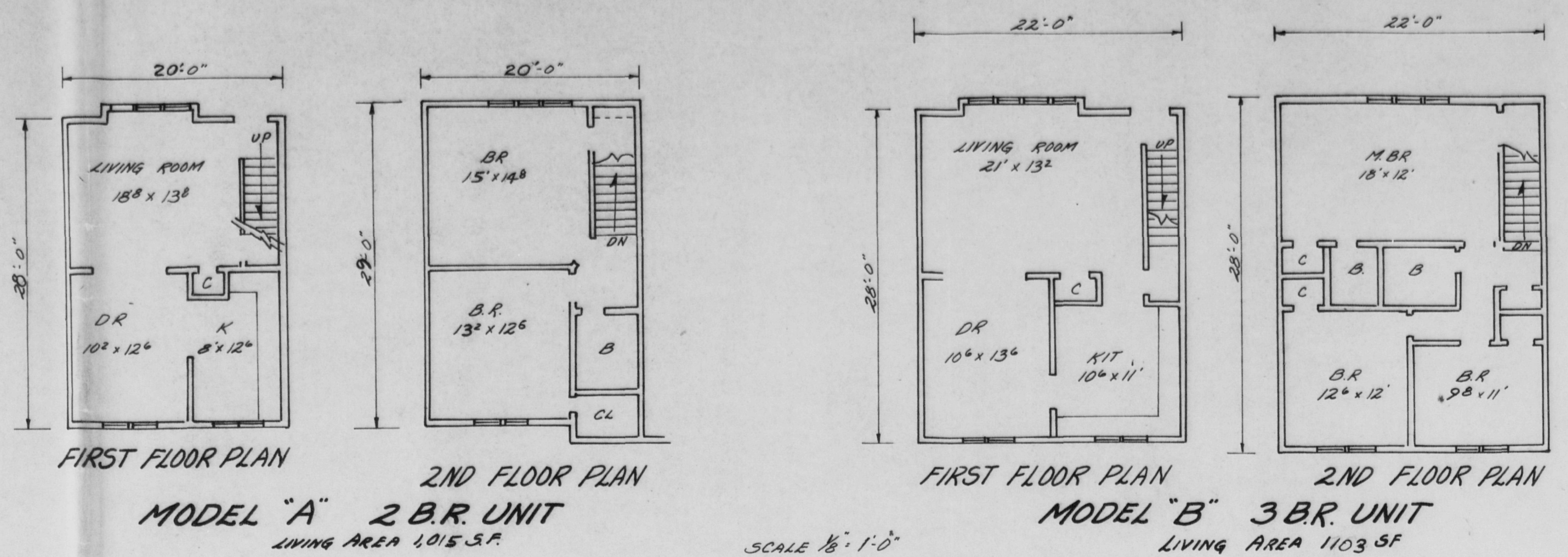
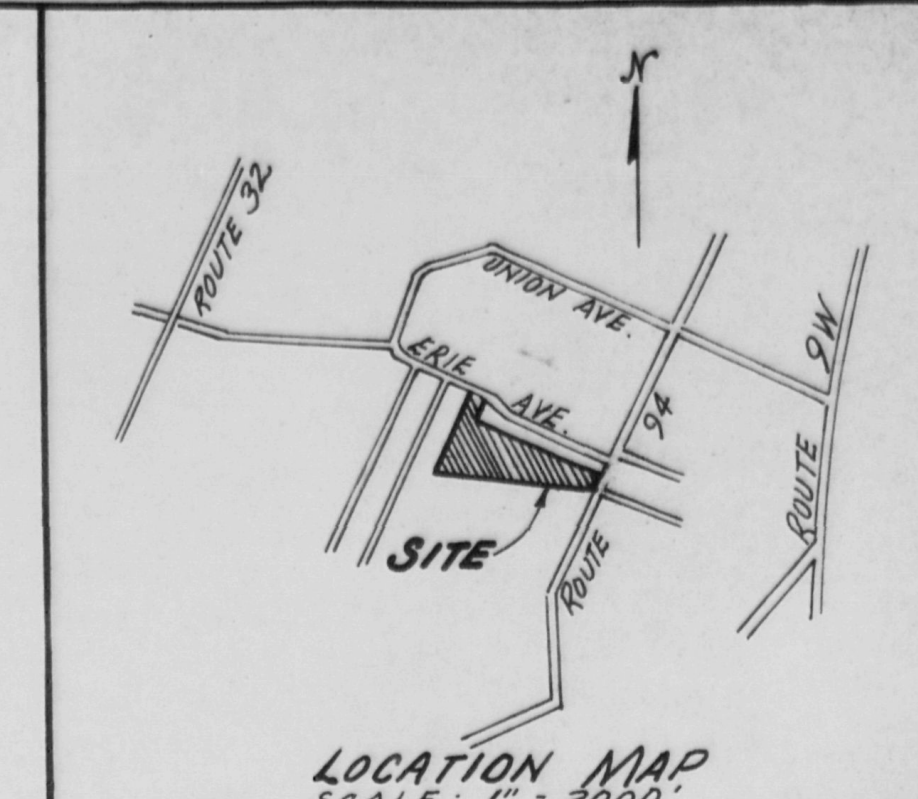
### III. SPECIAL CONDITIONS

- A. In addition to the aforementioned conditions, if it is found necessary by this Department to add to or otherwise modify the same, it is to be understood such changes shall form a part of the permit and be complied with immediately upon notice.

### IV. ADDITIONAL SPECIAL CONDITIONS AND SKETCHES - See Attached Sheet.







- LEGEND**
- 130 --- EXISTING CONTOURS
  - 132 --- FINAL CONTOURS
  - oooooo THE 100' SETBACK LINE FROM EXISTING WETLANDS BY NYS DEC. IN THE FIELD.
  - CATCH BASIN
  - WATER LINE
  - SANITARY MANHOLE
  - ⊗ HYDRANT

**NOTE:**  
 1. Existing Topography based on actual field survey.  
 2. If "Fox Hill" is not constructed then this owner will extend private road to ERIE AVE, WHEN DIRECTED BY THE TOWN PLANNING BOARD.

	A (2BR)	B (3BR)
# UNITS	30	14

ZONE REGULATIONS - R-5		
	REQ.	PROPOSED
MIN. PARCEL AREA	5 ACRES	7.67 ACRES
MIN. LOT SIZE	7,000 <sup>sq</sup> /UNIT	7,593 <sup>sq</sup> /UNIT
MIN. LOT WIDTH	20'	
FRONT YARD	30'	NOT APPLICABLE
SIDE YARD	0'	
REAR YARD	100'	
STREET FRONT	15'	
MAX. BLDG. HEIGHT	35'	30'-2"
MIN. LIVABLE FL. AREA	1,000 <sup>sq</sup>	1,007 <sup>sq</sup>
MAX. DEV. COVERAGE	50%	27%
PARKING REQUIRED	1 1/2/UNIT	2/UNIT

FINAL SITE PLAN APPROVAL GRANTED  
 BY TOWN OF NEW WINDSOR PLANNING BOARD  
 ON 12/4/14  
 BY LAWRENCE JONES  
 SECRETARY

REVISED 4/3/87 - CHANGE ROAD WIDTH  
 Revised 3/5/87  
 Revised 1/15/87 Address Town Engr & Planning Board Comments

**"WINDSHIRE"**  
ROUTE 94

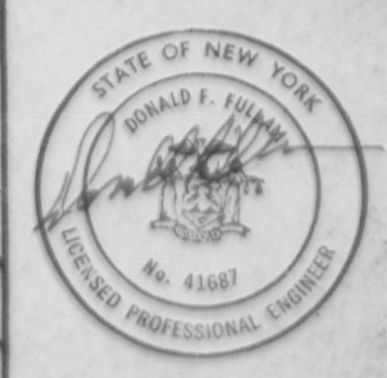
T/O NEW WINDSOR ORANGE CO. N.Y.

**F. & Z. ASSOC., P.C.**

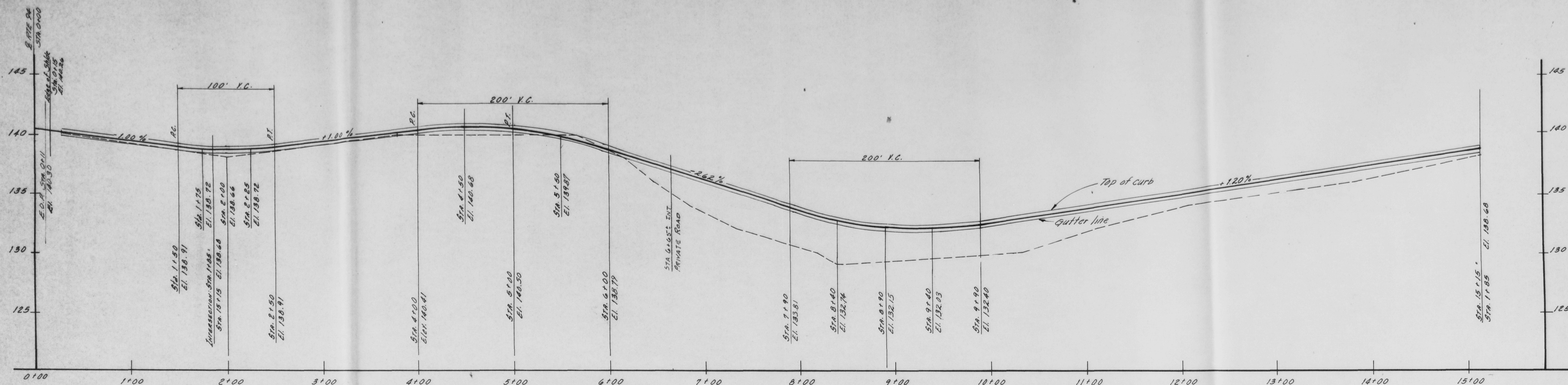
8 LINCOLN DRIVE, Poughkeepsie, NY

SCALE 1" = 50'

DATE 10/30/86

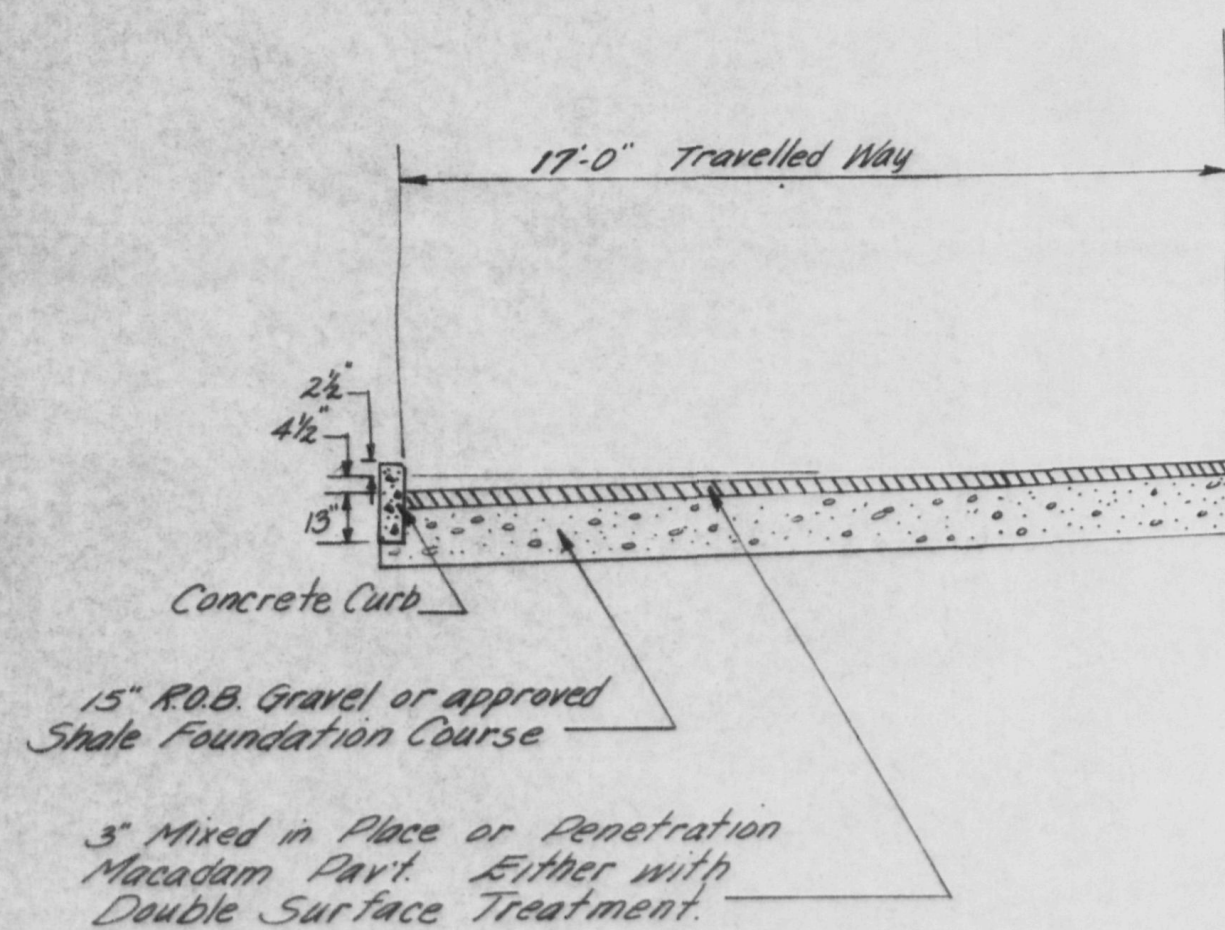






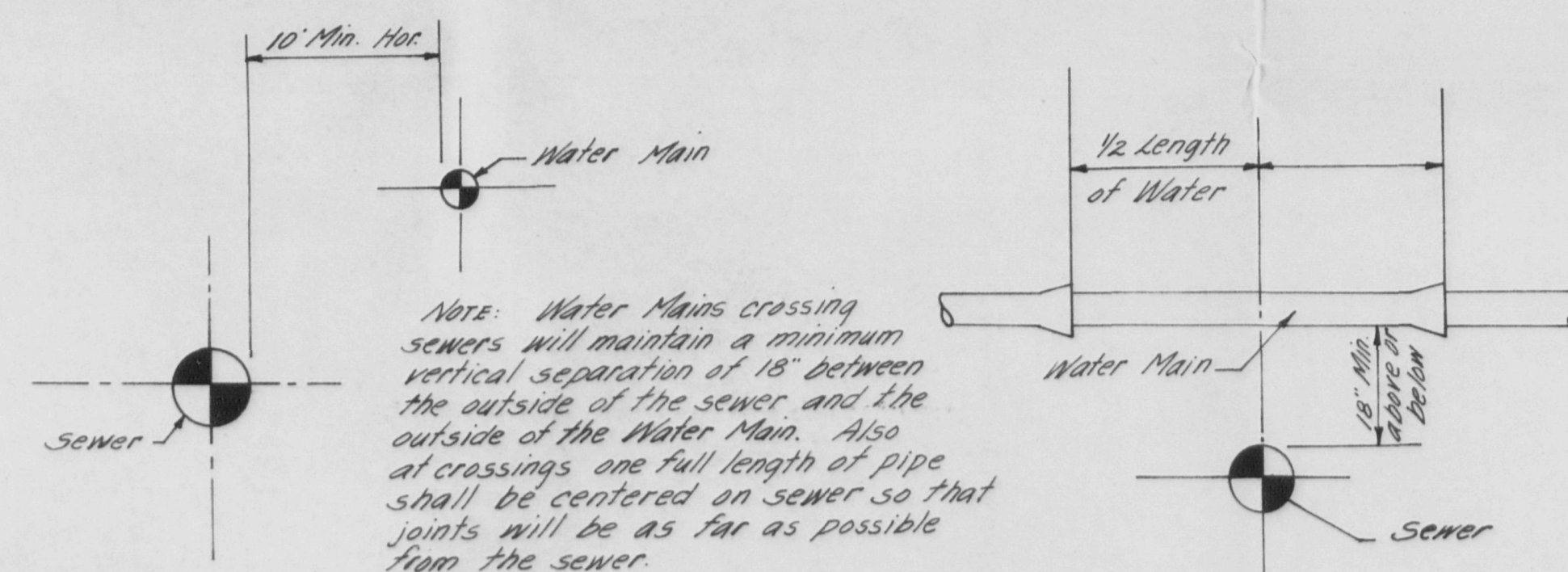
**ROAD PROFILE - "WINDSHIRE"**

SCALE: VERT. 1" = 4'  
HORIZ. 1" = 50'



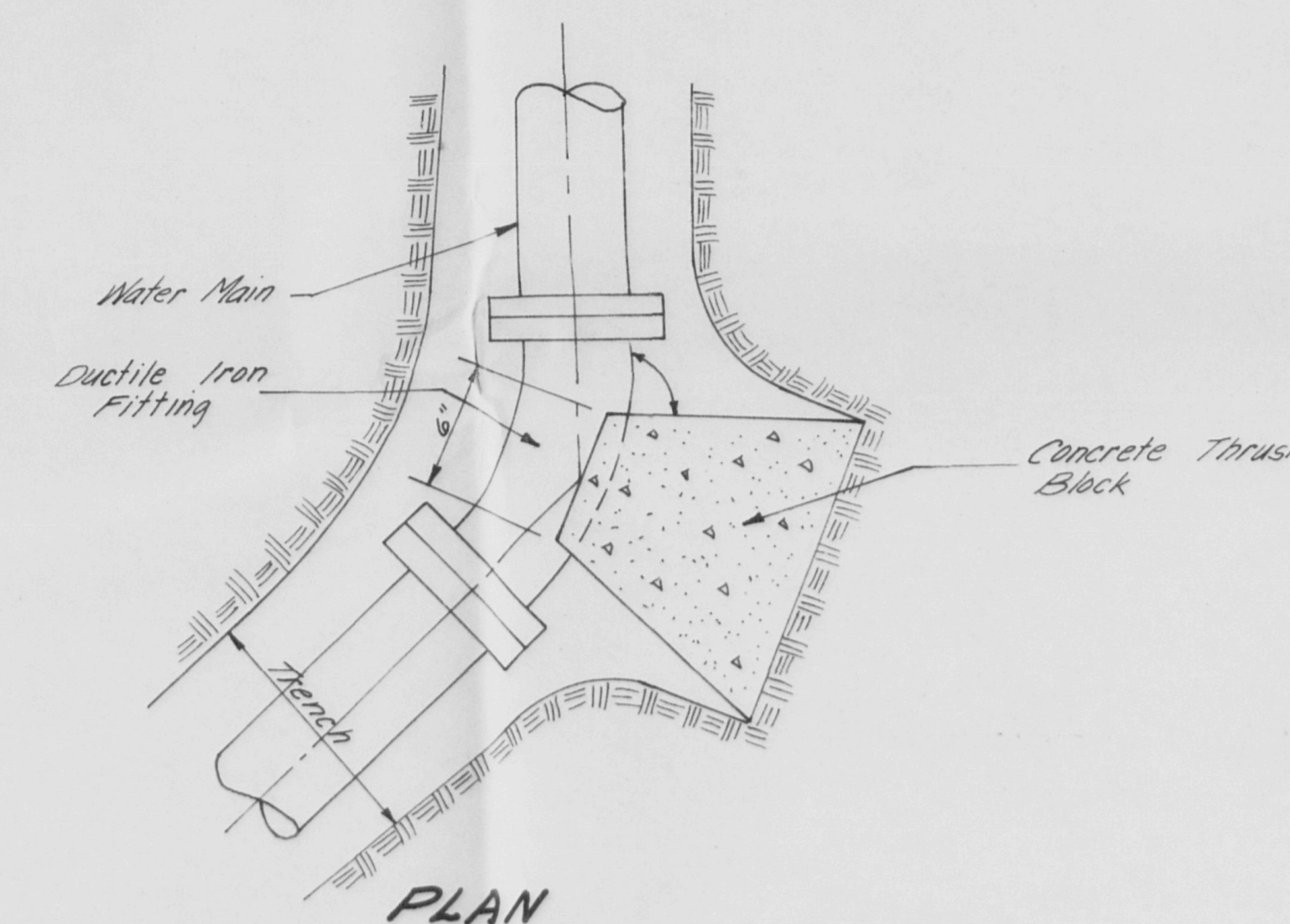
**ROADWAY DETAIL**

SCALE: 1/4" = 1'

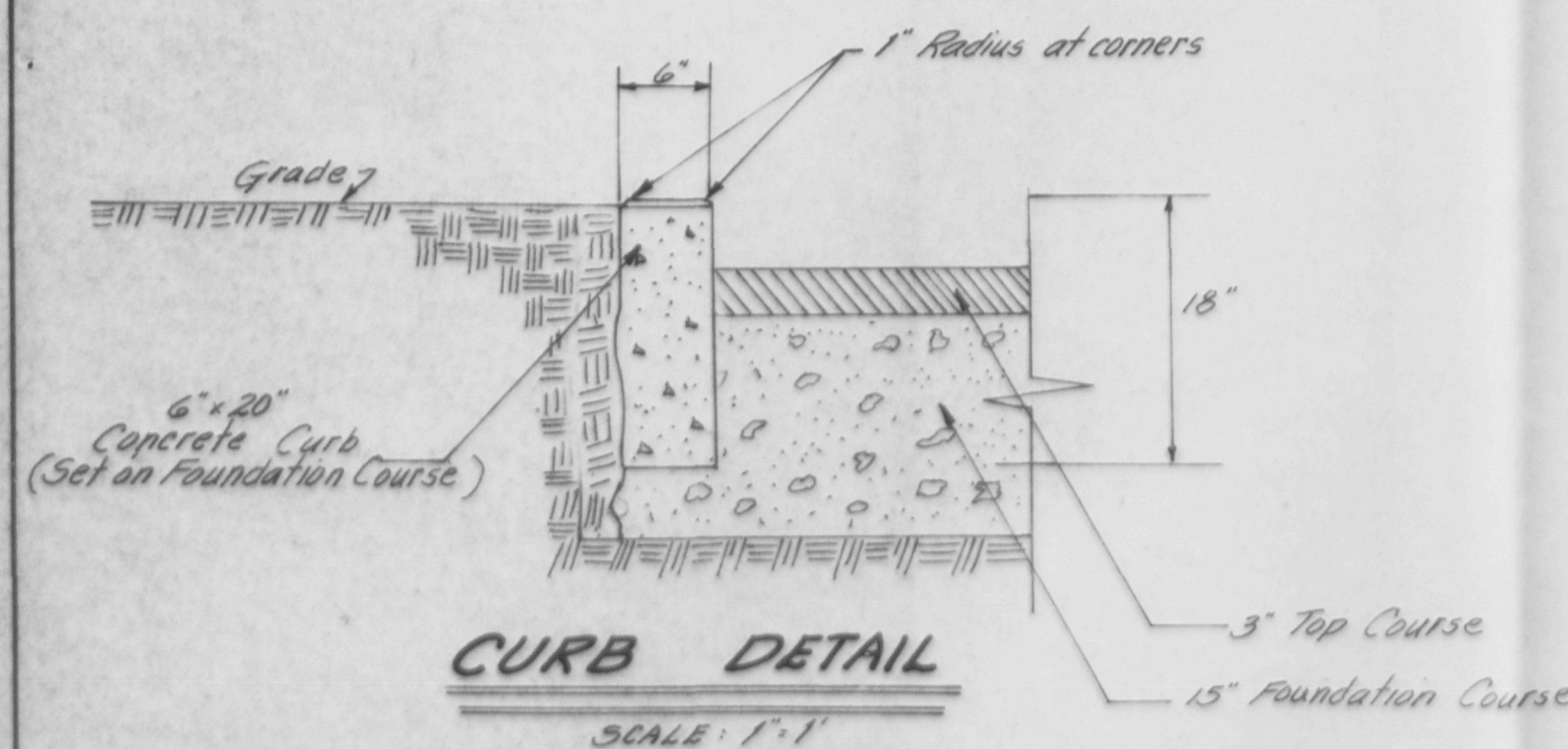


**WATER/SEWER SEPARATION**

NO SCALE

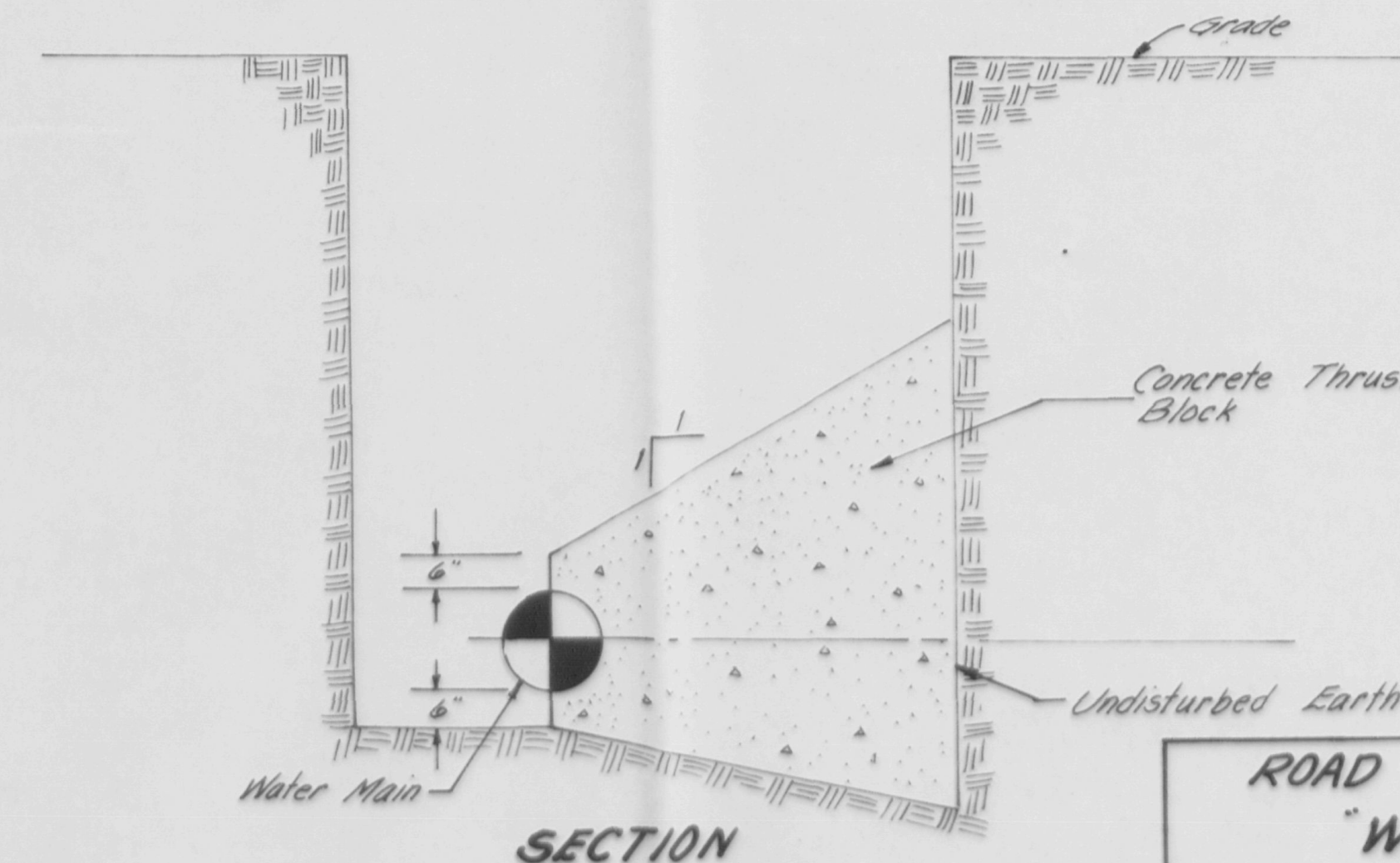


**PLAN**



**CURB DETAIL**

SCALE: 1" = 1'



**SECTION**

**THRUST BLOCK DETAIL**

NO SCALE

REV. 11/3/87 WIDEN ROAD SWCT.  
REVISED 1/15/87 - ADDRESS TOWN ENGR.  
& PLANNING Bd COMMENTS

**ROAD PROFILE & DETAILS  
"WINDSHIRE"  
ROUTE 94**

110 NEW WINDSOR - ORANGE CO. N.Y.

FULLAM & ZIMMER, Assoc.

8 LINCOLN DRIVE, POUGHKEEPSIE N.Y.

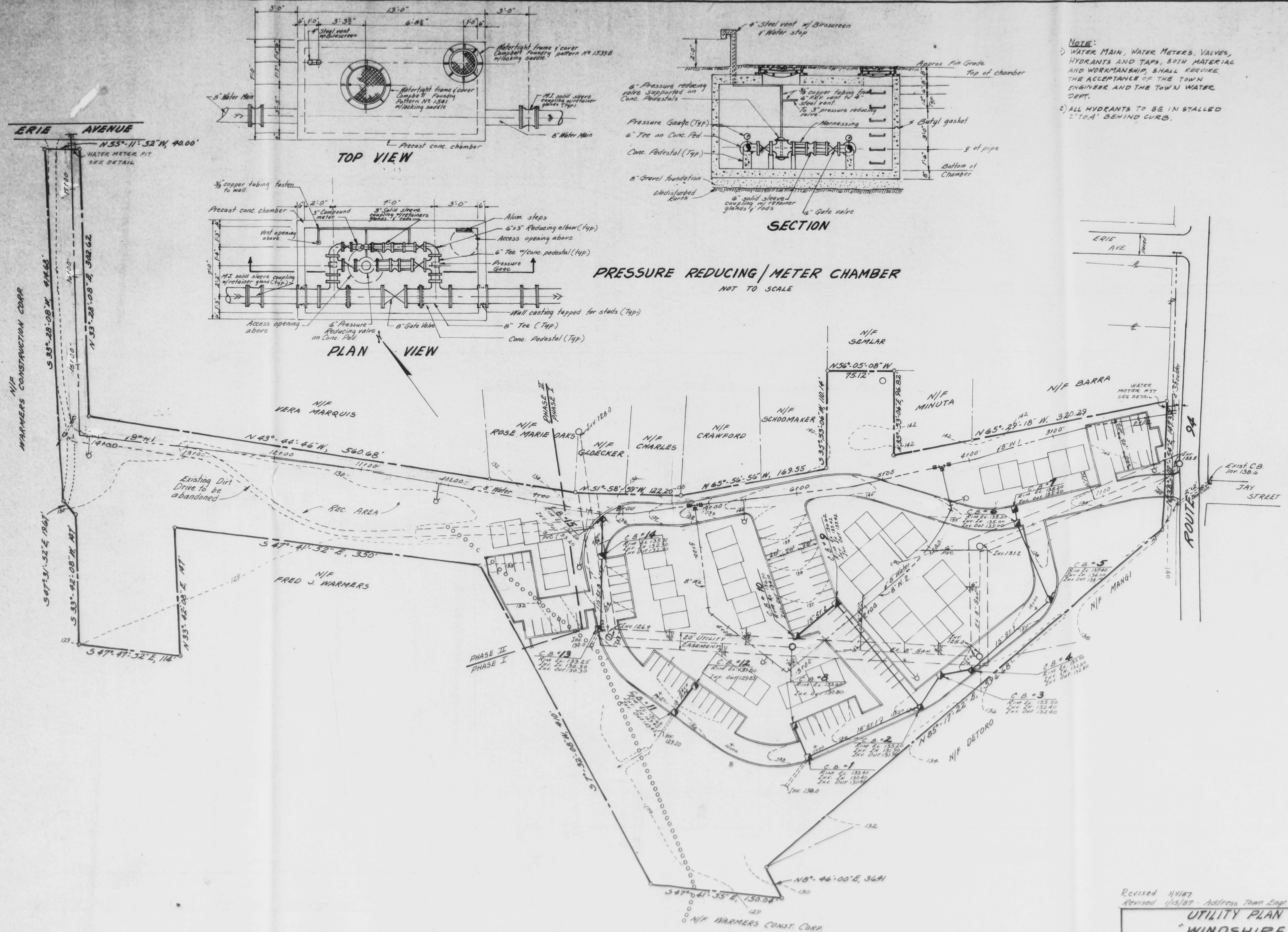
2/6  
SHEET

SCALE  
AS SHOWN

DATE  
10/22/86

8526

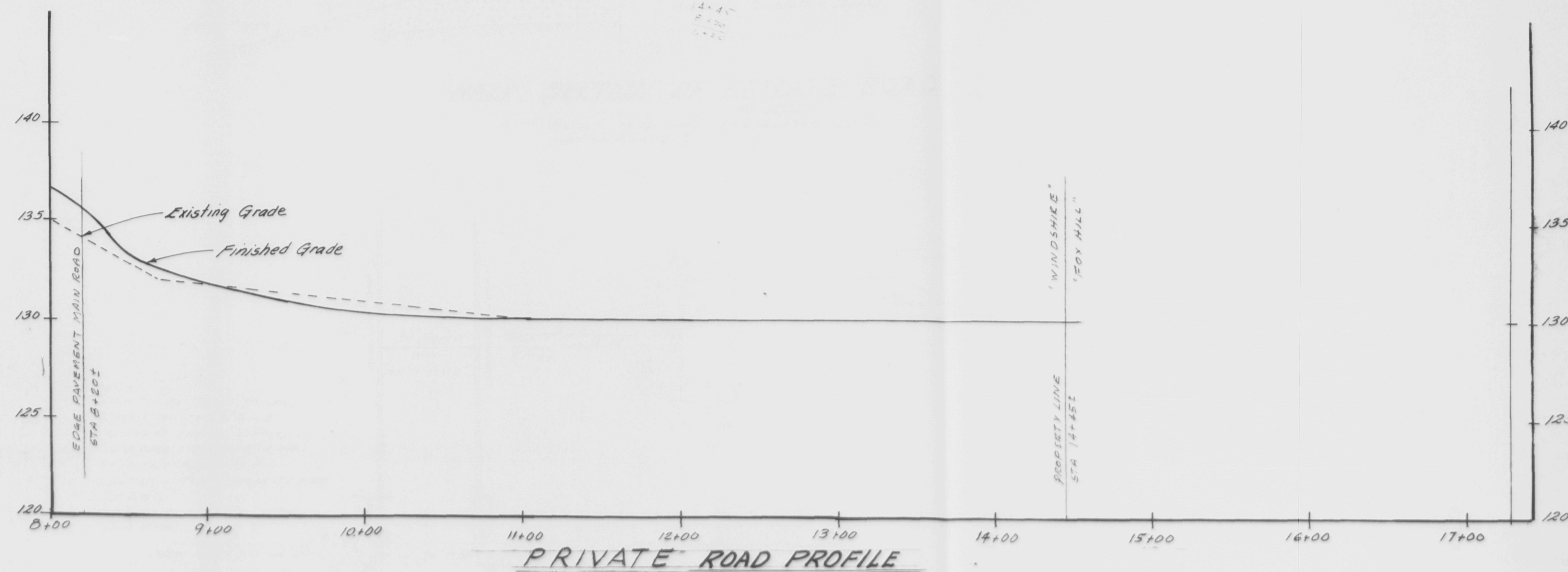
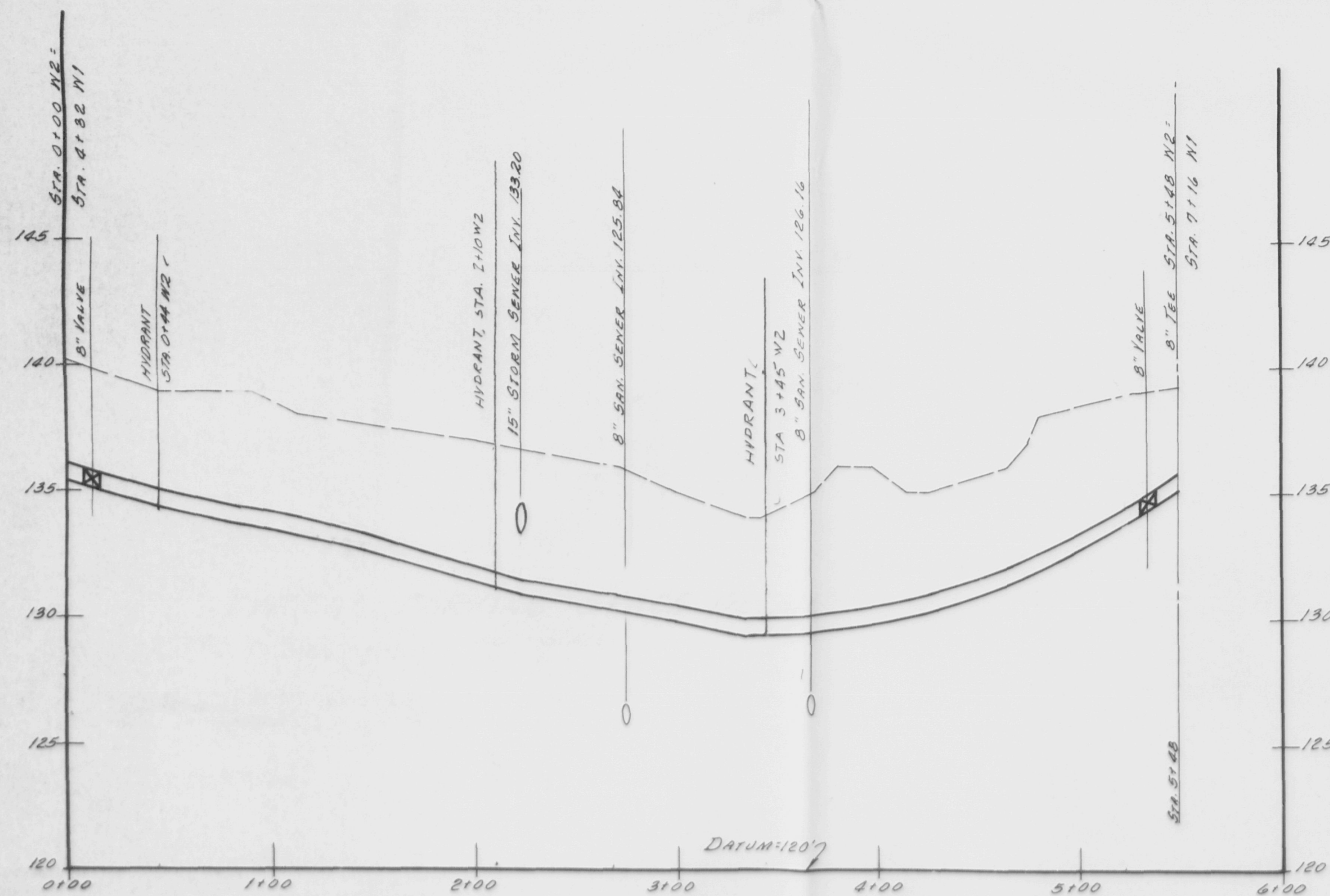
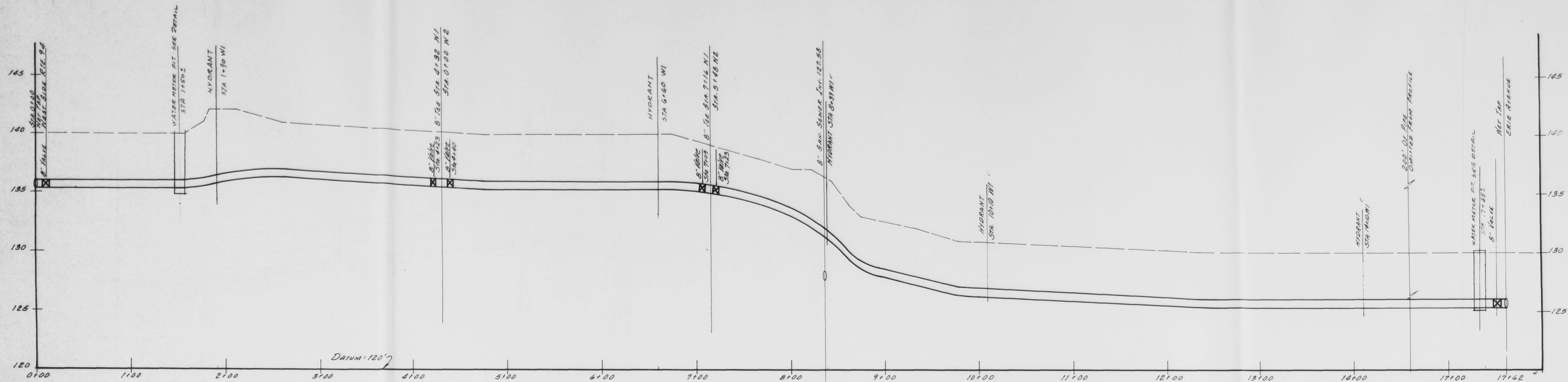




Revised 3/1/87  
 Revised 1/15/87 - Address Town Eng. & Planning Board Comments.

UTILITY PLAN "WINDSHIRE" ROUTE 94	
T/O NEW WINDSOR ORANGE CO. N.Y.	
D. FULLAM - ZIMMER ASSOC. 8 LINCOLN DRIVE POUGHKEEPSIE, N.Y.	SCALE: 1" = 50' DATE: 11/1/86

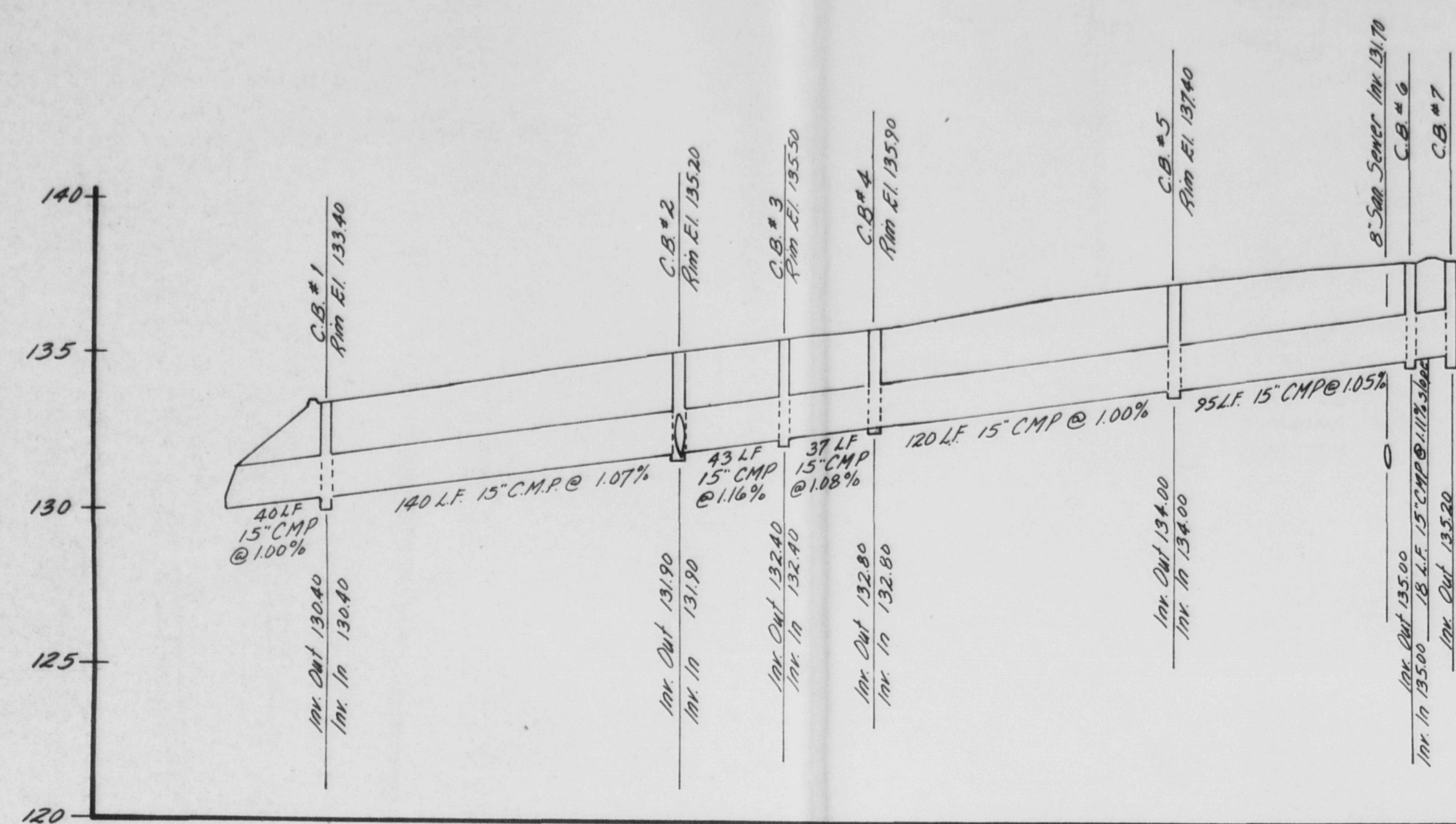




Revised 3/1/87  
Revised 4/1/87 Address Town Eng. & Planning Board Comments

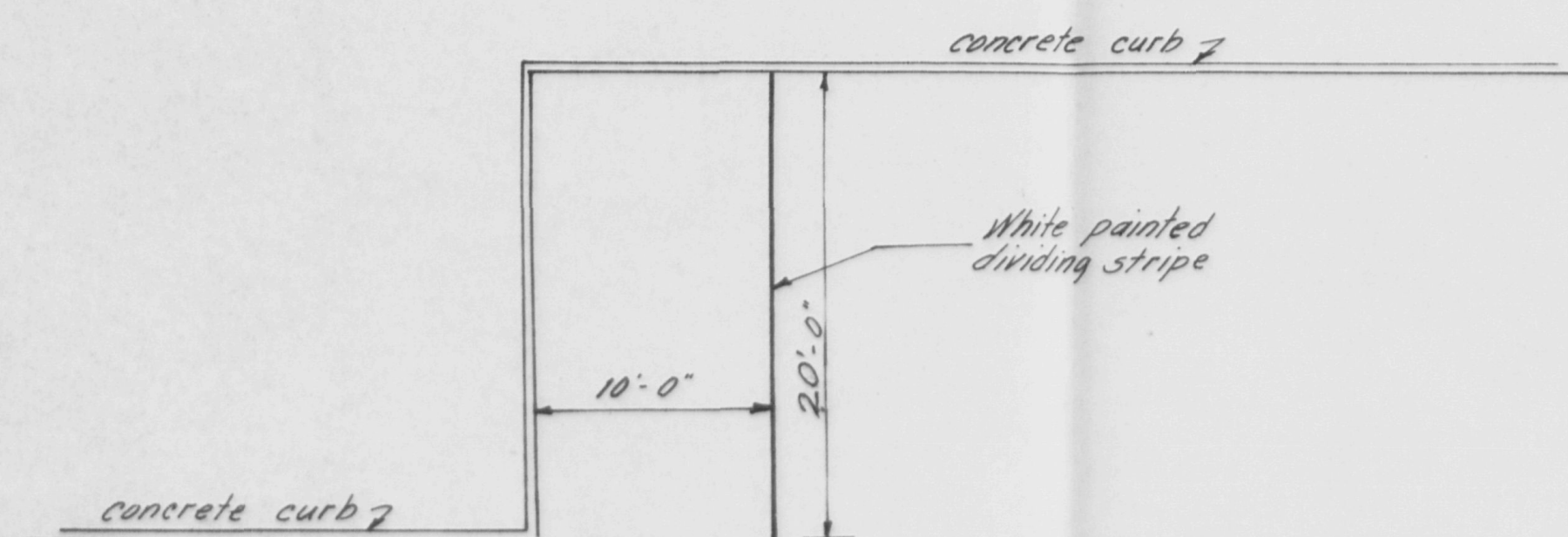
WATER MAIN PROFILE	
"WINDSHIRE"	
ROUTE 94	
T/O New Windsor	ORANGE CO. N.Y.
FULLAM & ZIMMER, Assoc.	SCALE: AS SHOWN
8 LINCOLN DRIVE, Poughkeepsie, N.Y.	DATE: 11/13/86





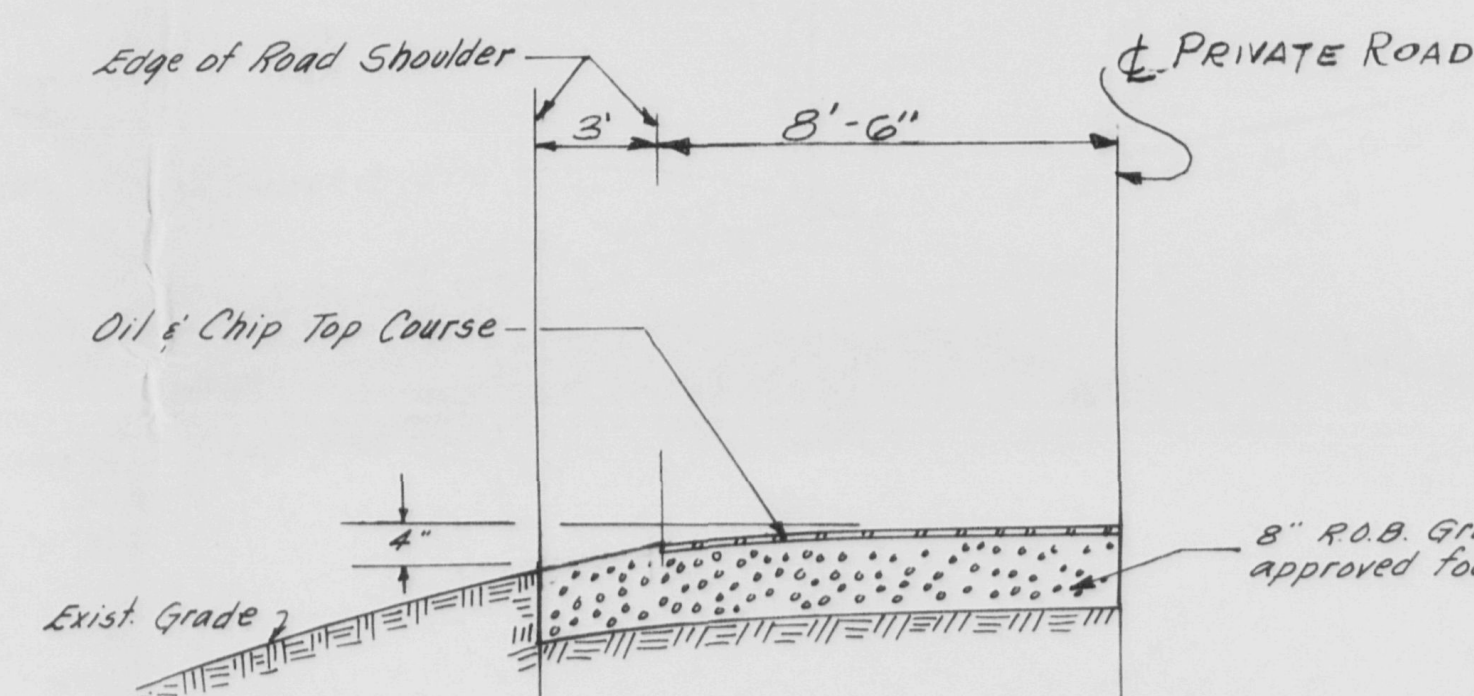
STORM SEWER PROFILE LINE ST 1

SCALE  
HORIZ. 1"=50'  
VERT. 1"=4'



TYPICAL PARKING SPACE DETAIL

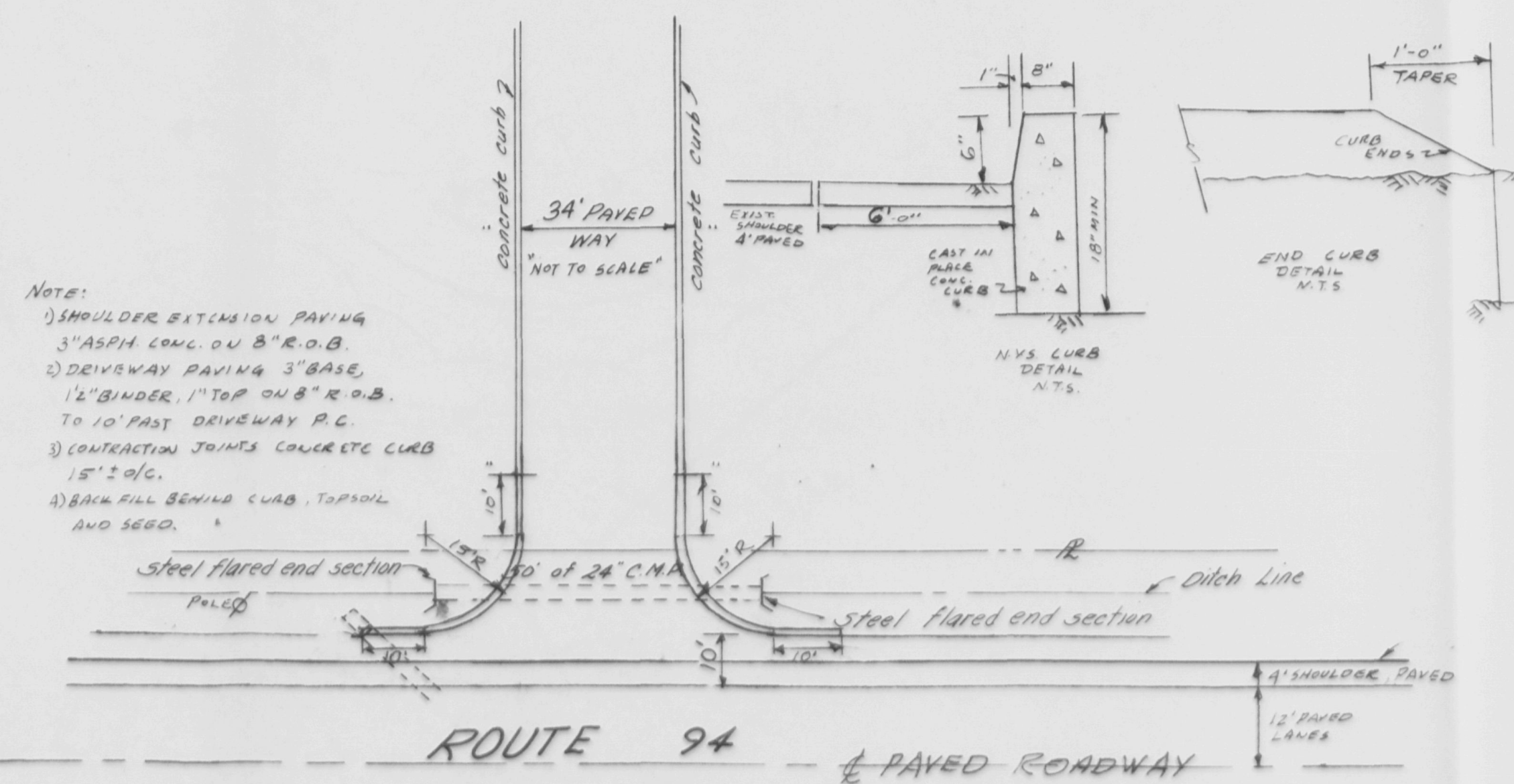
NO SCALE



HALF SECTION OF PRIVATE ROAD

NO SCALE  
NOTE: PRIVATE ROAD TO BE CONSTRUCTED AS PART OF PHASE I.

- NOTES:
1. In fill sections, topsoil will be removed and R.O.B. Gravel or approved shale will be used to achieve subgrade elevation.
  2. In cut sections, edge of pavement will meet existing ground elevation and the 4" crown will be maintained.
  3. If UNSUITABLE MATERIAL FOUND, ITS TO BE REMOVED AND REPLACED WITH APPROVED R.O.B. GRAVEL OR SHALE.



DETAIL ENTRANCE ONTO RTE 94

SCALE: 1"=20'

REV. 4/1/87 CHANGE ROAD WIDTH  
REVISED 4/5/87  
REVISED 11/5/87 Address Town Eng. & Planning Board Comments.

STORM SEWER PROFILE & MISC. DETAILS  
WINDSHIRE  
ROUTE 94

1/6 NEW WINDSOR ORANGE CO. N.Y.

F. & Z. Assoc. P.C.

8 LINCOLN DRIVE, DOUGHERTYVILLE, N.Y.

5/6  
SHEET

SCALE: as shown  
Date: 11-15-86



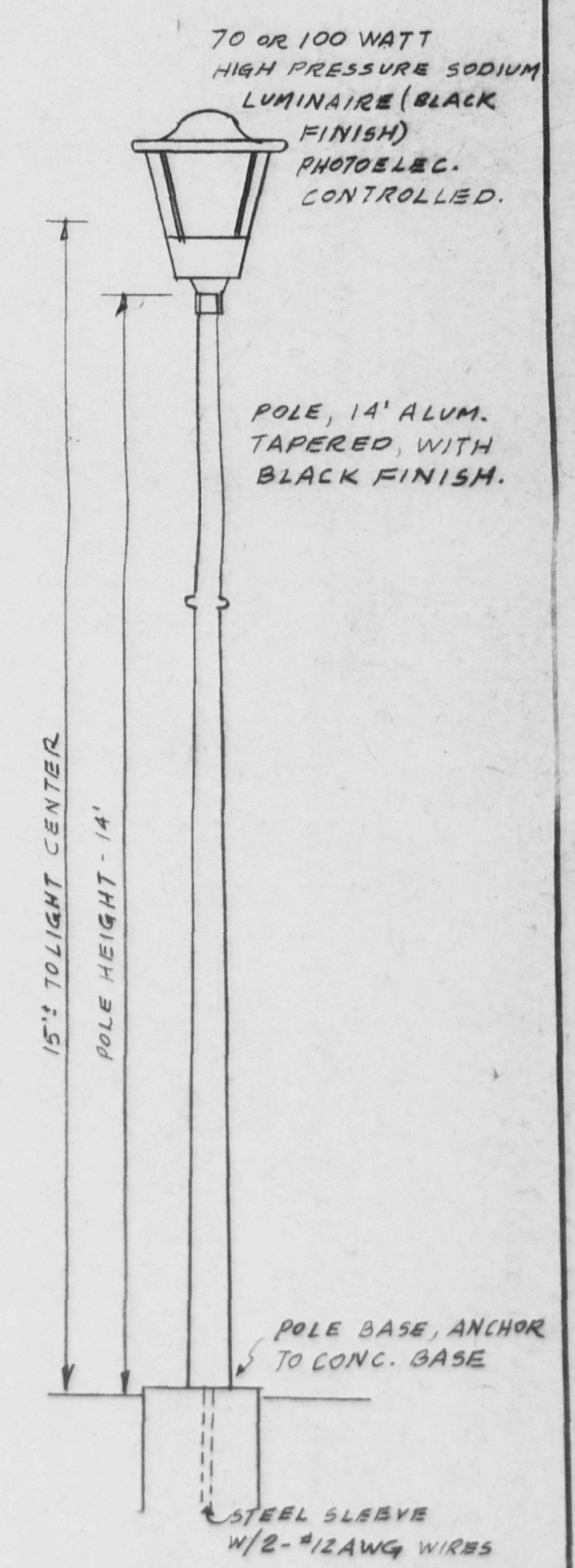
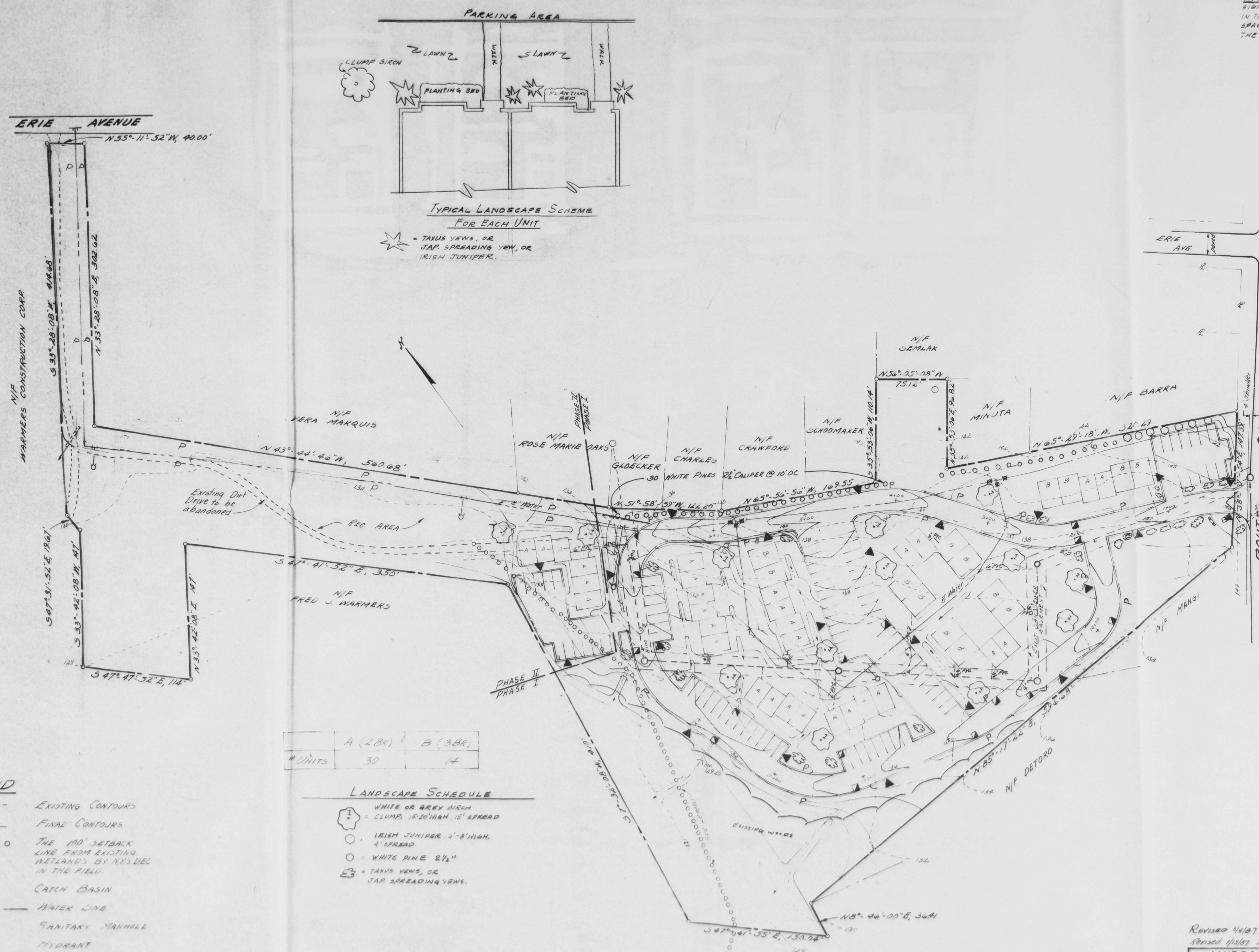
NOTE: EITHER OR BOTH SIGNS TO BE INSTALLED IN THE MANNER AND SPACING APPROVED BY THE TOWN FIRE INSPECTOR.

PER "HALL SIGNS INC" TYPE RT-1A 12"X18", 3"X2" LETTERS RED LETTERS ON WHITE BACKGROUND.

PER "HALL SIGNS INC" TYPE RB-31 12"X18", 3"X2" LETTERS RED LETTERS WHITE BACKGROUND. SPACING 200' MAX.

STEEL DELINEATOR POST

P = UNIT SYMBOL 23 SIGNS PROVIDED



- LEGEND**
- 130 --- EXISTING CONTOURS
  - 132 --- FINAL CONTOURS
  - oooooo THE 100' SETBACK LINE FROM EXISTING WETLANDS BY NYS DEL IN THE FIELD.
  - CATCH BASIN
  - WATER LINE
  - SANITARY MANHOLE
  - HYDRANT

**NOTE:**  
1. Existing Topography based on actual field survey.

# UNITS	A (2BR)	B (3BR)
	30	14

- LANDSCAPE SCHEDULE**
- WHITE OR GREY BIRCH - CLUMP, 15'20" HIGH, 15' SPREAD
  - IRISH JUNIPER, 6'-8' HIGH, 4' SPREAD
  - WHITE PINE 2 1/4"
  - TAXUS VIEWS, OR JAP. SPREADING VIEWS.

Revised 1/15/87  
Address Town Engr & Planning Board Comments

**LANDSCAPING AND LIGHTING PLAN  
"WINDSHIRE"  
ROUTE 94**

710 NEW WINDSOR ORANGE CO. N.Y.

6/6 FULLAM & ZIMMER, ASSOC. SCALE 1"=50'  
8 LINCOLN DRIVE, POUGHKEEPSIE, N.Y. DATE 10/30/86



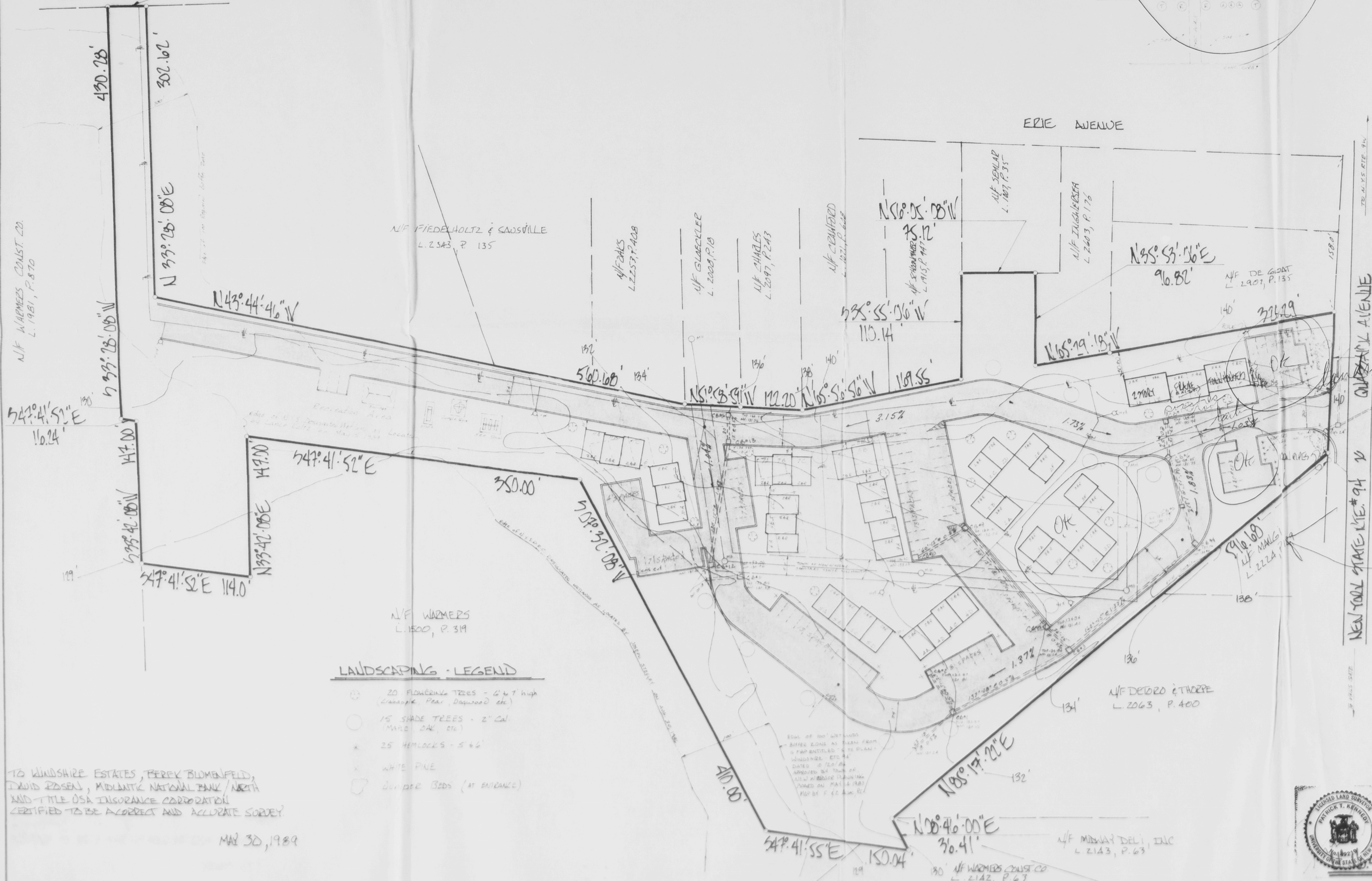
# ZONING DISTRICT: RS - TOWN HOUSES

MINIMUM REQUIRED	
LOT AREA	5 ACRES
AREA PER UNIT	7000 S.F.
LOT WIDTH	20
FRONT YARD	30
SIDE YARD	0/96' IF PROVIDED
REAR YARD	100
MINIMUM FRONTAGE	100
MIN. HEIGHT	5'
MAX. DENSITY	50%

LOCATION MAP:  
SCALE: 1" = 1000'

N55°11'52"W  
40.00'

ERIE AVENUE



## LANDSCAPING - LEGEND

- 20 PLANTING TREES - 4' x 7' high (Cassia, Pear, Dogwood etc)
- 15 SHADE TREES - 2' CAL (MAHOGANY, OAK, etc)
- 25 HEMLOCKS - 5' x 6'
- WHITE PINE
- SHRUB BEDS (AT ENTRANCE)

TO WINDSHIRE ESTATES, PEREK BLOMBFELD,  
DAVID ROSEN, MIDLAND NATIONAL BANK/NORTH  
AND TITLE USA INSURANCE CORPORATION  
CERTIFIED TO BE ACCURATE AND ACCURATE SURVEY

MAY 30, 1989

## TAX MAP DATA:

SECTION 26  
BLOCK 1  
LOT 13

## TRIP REFERENCE:

LIBER 1926  
PAGE 857

## MAP REFERENCE:

1. SITE PLAN WINDSHIRE"  
DATED: OCTOBER 30, 1986.  
APPROVED: MAY 14, 1987.  
PREPARED BY: F.C. AMOC, JR.  
BURLINGTON, N.Y.

2. SITE PLAN FOR WINDSHIRE ESTATES."  
DATED: APRIL 15, 1988.

PARCEL AREA:  
7.777 ACRES

## PROPOSED DWELLING UNITS:

2 BEDROOM UNITS: 30  
3 BEDROOM UNITS: 14  
TOTAL UNITS PROPOSED: 44

## PARKING SPACES

REQUIRED: 2 SPACES PER UNIT = 88 SPACES  
PROPOSED: 88 SPACES

This is approved  
as marked  
7/26/89

## "AMENDED LAYOUT & ASBUILT PLAN"

1. Unlawful alteration in addition to a survey map bearing a licensed land surveyor's seal is a violation of section 7209, sub-section 6 of the N.Y. State Education Law.
2. Only copies from the original of the survey marked with an original of the land surveyor's seal and his embossed seal shall be considered to be valid true copies.
3. Certifications indicated herein signify that this survey was prepared in accordance with the existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors. Such certifications shall run only to the person for whom the survey is prepared, and who, in the event of the land surveyor's death, shall be the responsibility of the land surveyor. Certifications are not to be construed as a statement of the land surveyor's opinion.
4. Unlawful alteration in addition to a survey map bearing a licensed land surveyor's seal is a violation of section 7209, sub-section 6 of the N.Y. State Education Law.



PATRICK J. KENNEDY, L.S.	
100 QUINCY AVENUE, NEW YORK, N.Y. 10017	
SCALE: 1" = 50'	DATE: JUL 15, 1989
TOWN OF NEW WINDSHIRE, NEW YORK	
COUNTY OF ORANGE	